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JOURNAL
OF THE
SENATE
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA

MAR 4 1985

SECOND EXTRA SESSION
MARCH — 1984

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STATE OF NORTH CAROLINA

SECOND EXTRA SESSION
MARCH - 1914

**OFFICERS AND MEMBERS
OF
THE SENATE OF NORTH CAROLINA
1983 GENERAL ASSEMBLY
SECOND EXTRA SESSION — MARCH 1984**

JAMES C. GREEN, President	Clarkton
W. CRAIG LAWING, President Pro Tempore	Charlotte
KENNETH C. ROYALL, JR., Majority Leader	Durham
SYLVIA M. FINK, Principal Clerk	Raleigh
LEROY CLARK, JR., Reading Clerk	Wendell
GERDA B. PLEASANTS, Sergeant-at-Arms	Cary

DISTRICT	NAME OF SENATOR	ADDRESS
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3	JOSEPH E. THOMAS	Vanceboro
4	A. D. GUY	Jacksonville
5	HAROLD W. HARDISON	Deep Run
6	JULIAN R. ALLSBROOK	Roanoke Rapids
7	J. A. WRIGHT	Wilmington
8	HENSON P. BARNES	Goldsboro
9	VERNON E. WHITE	Winterville
10	DALLAS L. ALFORD, JR.	Rocky Mount
11	JAMES D. SPEED	Louisburg
12	ANTHONY E. RAND	Fayetteville
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13	KENNETH C. ROYALL, JR.	Durham
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16	WANDA HUNT	Pinehurst
	RUSSELL WALKER	Asheboro
17	ROBERT B. JORDAN III.	Mt. Gilead
	AARON W. PLYLER	Monroe
18	R. C. SOLES, JR.	Tabor City
19	ELTON EDWARDS	Greensboro
20	RICHARD W. BARNES	Winston-Salem
	MARVIN WARD	Winston-Salem
21	CARY ALLRED	Burlington
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	W. CRAIG LAWING	Charlotte
	KENNETH R. HARRIS	Charlotte
	BENJAMIN T. TISON	Charlotte
23	JACK CHILDERS	Lexington
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24	CONRAD R. DUNCAN, JR.	Stoneville
	GEORGE W. MARION, JR.	Dobson
25	OLLIE HARRIS	Kings Mountain
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	MARSHALL A. KAUCH	Gastonia
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	DONALD R. KINCAID	Lenoir
28	ROBERT S. SWAIN	Asheville
	DENNIS WINNER	Asheville
29	CHARLES W. HIPPS	Waynesville
	R. P. THOMAS	Hendersonville
30	DAVID RUSSELL PARNELL	Parkton
31	WILLIAM N. MARTIN	Greensboro
32	RACHEL G. GRAY	High Point

SENATE JOURNAL SECOND EXTRA SESSION MARCH 1984

FIRST DAY

SENATE CHAMBER,
Wednesday, March 7, 1984.

In accordance with law, as set forth in the Constitution of the State of North Carolina, and pursuant to the Proclamation issued by the Governor on March 1, 1984, the Senate of the North Carolina General Assembly convenes in Second Extra Session at the hour of 10:00 A.M. in the Senate Chamber of the State Legislative Building in the City of Raleigh.

The Honorable James C. Green, Lieutenant Governor, presides and calls the Senate to order.

Prayer is offered by Dr. J. C. Harris, Minister of the First Baptist Church of Statesville, as follows:

"We are here, Dear Father, today, to do business for our State, and we come in Your Name seeking Your blessing and help. Lord, Give us the faith to accept those things that cannot be changed, the courage to change the things that need be, and the wisdom to know the difference.

"We realize the delicate nature of this Session, and yet we have confidence that we will be successful in all that we undertake. Lord, make us an instrument of Thy peace. Where there is hatred, let us sow love; where there is doubt, give us faith; where there is darkness, light.

"Lord, give this Assembly the courage to be fair in all its transactions. In Thy Name we pray. Amen."

Led by the Lieutenant Governor, the Senators and guests remain standing and pledge their allegiance to the United States of America.

The President lays before the Senate the Proclamation by the Governor, James B. Hunt, Jr., issued March 1, 1984, as follows:

STATE OF NORTH CAROLINA

James B. Hunt, Jr.
Governor

EXTRA SESSION OF THE GENERAL ASSEMBLY A PROCLAMATION BY THE GOVERNOR MARCH 1, 1984

WHEREAS, THE President of the North Carolina Senate, Lieutenant Governor Jimmy Green, and the Speaker of the North Carolina House of Representatives, Representative Liston B. Ramsey, have recommended that the General Assembly be convened

March 7, 1984

in Extra Session by proclamation of the Governor for the purpose of considering and acting upon legislation to reapportion and redistrict the State of North Carolina; and

WHEREAS, it is in the best interests of the State of North Carolina that an Extra Session of the General Assembly be convened as soon as is practicable;

NOW, THEREFORE, I, James B. Hunt, Jr., Governor of the State of North Carolina, under and by virtue of the authority vested in me by Article III, Section 5(7) of the Constitution of North Carolina, do, by and with the advice of the Council of State, proclaim that the General Assembly of North Carolina shall meet in Extra Session at Raleigh at 10:00 a.m., Wednesday, March 7, 1984, for the purpose of considering and acting upon legislation concerning the apportionment of the North Carolina House of Representatives and the North Carolina Senate and conforming changes in the election laws and the primary election schedule.

I do hereby call upon, notify and direct all members of the General Assembly to meet in the City of Raleigh at 10:00 a.m., March 7, 1984, in such General Assembly as provided by the Constitution of North Carolina.

Done in our Capitol at Raleigh, this the first day of March, 1984.

(SEAL)

S/ JAMES B. HUNT, JR.
Governor

The roll of the members of the Senate heretofore elected to the 1983 General Assembly, having properly received and subscribed to the oath of office, is called and the following answer the call:

Senators Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Childers, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Walker, Ward, Warren, White, Winner, and Woodard—44.

The President announces a quorum present.

The President grants leaves of absence for today to Senators Alford, Allsbrook, and Harris of Cleveland due to hospitalization, and to Senators Thomas of Craven, Tison, and Wright.

ADOPTION OF RULES

Senator Lawing offers a motion that the Senate adopt the Permanent Rules of the 1983 Regular Session, As Amended by Senate Resolution 241, and the provisions contained in the Proclamation issued by the Governor on March 1, 1984, as the rules governing this Second Extra Session of the 1983 General Assembly convened this day, which motion prevails.

COMMITTEE APPOINTMENTS

The President announces that the Standing and Select Committees of the Senate heretofore appointed during the 1983 General Assembly are hereby appointed to serve during this Second Extra Session.

The President announces the appointment on February 27, 1984 of the following Senators to a **Select Committee on Redistricting**: Senators Rauch, Chairman; Allsbrook and Duncan, Vice-Chairmen; Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Edwards of Guilford, Gray, Guy, Hardison, Harrington, Hipps, Jenkins, Jordan, Kincaid, Lawing, Martin, Parnell, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright.

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate is organized and ready to proceed with the public business of this Second Extra Session of the 1983 General Assembly as stated in the Proclamation by the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
March 1, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House of Representatives is organized and is now ready to proceed with the public business.

Respectfully,
GRACE COLLINS
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions are presented to the Senate, read the first time, and disposed of as follows:

Senator Rauch moves that the rules be suspended to allow the introduction and referral to committee of the following bills which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator Rauch:

S. B. 1, a bill to reapportion Districts One, Two, Six, Nine, Ten, Eleven, and Fourteen of the North Carolina Senate.

Referred to the **Select Committee on Redistricting**.

By Senators Lawing and Jenkins:

S. B. 2, a bill to reapportion Senate District 22.

Referred to the **Select Committee on Redistricting**.

Senator Rauch announces a meeting, immediately upon recess, of the **Select Committee on Redistricting**.

The Chair declares the Senate in recess until 11:30 A.M.

MORNING SESSION—11:30 A.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

REPORTS OF COMMITTEE

Bills and resolutions are reported from the select committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Select Committee on Redistricting**:

S. B. 1, a bill to reapportion Districts One, Two, Six, Nine, Ten, Eleven, and Fourteen of the North Carolina Senate, with a favorable report, as amended.

On motion of Senator Rauch, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 2, a bill to reapportion Senate District 22, with a favorable report.

On motion of Senator Rauch, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

The Chair declares the Senate in recess until 2:00 P.M.

AFTERNOON SESSION—2:00 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

Senator Tison, arriving after the call of the roll, is recorded present for a portion of today's Session.

Senator Tison offers a motion that the rules be suspended to the end that he may be recorded voting "aye" on **S. B. 1**, a bill to reapportion Districts One, Two, Six, Nine, Ten, Eleven, and Fourteen of the North Carolina Senate and **S. B. 2**, a bill to reapportion Senate District 22, which motion prevails (electronically recorded).

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1, a bill to reapportion House Districts 21, 23, 36, and 39.

Referred to the **Select Committee on Redistricting**.

Senator Rauch announces a meeting, immediately upon recess, of the **Select Committee on Redistricting**.

The Chair declares the Senate in recess until 3:15 P.M.

AFTERNOON SESSION—3:15 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

REPORTS OF COMMITTEE

The following bill is reported from the select committee, read by its title together with the report accompanying it, and takes its place on the Calendar:

By Senator Rauch for the **Select Committee on Redistricting**:

H. B. 1, a bill to reapportion House Districts 21, 23, 36, and 39, with a favorable report, as amended.

On motion of Senator Rauch, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger for concurrence in Senate Amendment No. 1.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 2, a bill to reapportion District Eight of the North Carolina House of Representatives.

Referred to the **Select Committee on Redistricting**.

H. B. 3, a bill to provide for primary elections in districts reapportioned by the 1984 Extra Session of the General Assembly.

Referred to the **Select Committee on Redistricting**.

H. B. 4, a bill to protect voters' privacy by altering the manner in which the results are reported from ballots cast by transferred voters.

Referred to the **Select Committee on Redistricting**.

H. J. R. 5, a joint resolution adjourning the 1984 Extra Session *sine die*.

On motion of Senator Rauch, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration, and is subsequently temporarily displaced.

Senator Rauch announces a meeting, immediately upon recess, of the **Select Committee on Redistricting**.

The Chair declares the Senate in recess until 4:20 P.M.

AFTERNOON SESSION—4:20 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

Senator Kincaid offers a motion that the rules be suspended to the end that he may be

recorded voting "no" on **H. B. 1**, a bill to reapportion House Districts 21, 23, 36, and 39, as amended, which motion prevails (electronically recorded).

Senator Speed offers a motion that **S. B. 1**, a bill to reapportion Districts One, Two, Six, Nine, Ten, Eleven, and Fourteen of the North Carolina Senate, be recalled from the House of Representatives for further consideration by the Senate, which motion fails to prevail (electronically recorded).

REPORTS OF COMMITTEE

Bills and resolutions are reported from the select committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Select Committee on Redistricting**:

H. B. 2, a bill to reapportion District Eight of the North Carolina House of Representatives, with a favorable report.

On motion of Senator Rauch, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 3, a bill to provide for primary elections in districts reapportioned by the 1984 Extra Session of the General Assembly, with a favorable report.

On motion of Senator Rauch, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 4, a bill to protect voters' privacy by altering the manner in which the results are reported from ballots cast by transferred voters, with a favorable report.

On motion of Senator Rauch, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 2, a bill to reapportion Senate District 22, for concurrence in House Amendment No. 1.

On motion of Senator Rauch, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Senate concurs (electronically recorded) in House Amendment No. 1 and the bill is ordered enrolled.

H. B. 1

HOUSE OF REPRESENTATIVES

March 7, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the

March 7, 1984

House fails to concur in the Senate amendment to **H. B. No. 1**, a bill to be entitled an act to reapportion House Districts 21, 23, 36 and 39, and requests conferees. The Speaker has appointed Representatives Bob Etheridge, Wright, Miller, Pulley, Spaulding on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Royall moves that the President appoint conferees, which motion prevails. The President appoints Senators Royall, Hancock, Swain, Hardison, and Barnes of Wayne as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. B. 1, a bill to reapportion Districts One, Two, Six, Nine, Ten, Eleven, and Fourteen of the North Carolina Senate, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Duncan, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Senate concurs (electronically recorded) in House Amendments No. 1 and No. 2 and the bill is ordered enrolled.

Senator Thomas of Craven is noted present for a portion of today's Session.

On motion of Senator Lawing, seconded by Senator Swain, the Senate adjourns to meet tomorrow at 9:00 A.M.

SECOND DAY

SENATE CHAMBER,
Thursday, March 8, 1984.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence for today to Senators Alford and Harris of Cleveland due to hospitalization and to Senators Jordan, Marvin, Soles, Walker, Wright, and Edwards of Caldwell.

Senator Allsbrook is noted present for a portion of today's Session.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 2, an act to reapportion Senate District 22. (Chapter 4)

H. B. 2, an act to reapportion District Eight of the North Carolina House of Representatives. (Chapter 1)

H. B. 3, an act to provide for primary elections in districts reapportioned by the 1984 Extra Session of the General Assembly. (Chapter 2)

H. B. 4, an act to protect voters' privacy by altering the manner in which the results are reported from ballots cast by transferred voters. (Chapter 3)

Senator Lawing, President Pro Tempore of the Senate, assumes the gavel and presides in the absence of Lieutenant Governor Green who leaves to attend a prior commitment.

CONFERENCE REPORT

H. B. 1

Senator Royall for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 1**, a bill to reapportion House Districts 21, 23, 36 and 39, submits the following Conference Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **H. B. 1**, Second Edition Engrossed, a bill to be entitled an act to reapportion House Districts 21, 23, 36, and 39 wish to report as follows:

The Senate recedes from its Amendment #1 and inserts the following new amendment in its place:

"Amend the bill on page 4, lines 24-27 by rewriting those lines to read:

'It also includes from Precinct 9 only the following: Block 303 of Census Tract 13.02, Blocks 411 and 412 of Census Tract 20.03, and the part of Block 113 of Census Tract 20.02 excluding the area bounded by Bexley Avenue, Monticello Avenue, Stuart Drive and Hope Valley Rd.

on page 5, line 4, by deleting the number "4"

on page 5, line 6 by adding after the line: "It also includes all of Precinct 4 not included in District 69."

on page 5, line 12 by adding after the line "It also includes from Precinct 4 only the following:

Block 316 of Census Tract 4.02 and Blocks 120, 123, 124, 125, 126, 127, 311 and 317 of Census Tract 4.01."

further amend on page 5, line 18 by adding after the word "boundaries", the words "and streets"

And the House agrees to the same.

the end that when a similar action has been taken on the part of the Senate we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

H. B. 6, a bill to provide an effective date for Chapter 6.

On motion of Senator Rauch, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 1, an act to reapportion House Districts 21, 23, 36 and 39. (Chapter 6)

H. B. 6, an act to provide an effective date for Chapter 6. (Chapter 7)

H. J. R. 5, a joint resolution adjourning the 1984 Extra Session *sine die*. (Res. 1)

Senator Royall, seconded by Senator Hipps, offers a motion that this Senate of the 1983 General Assembly, meeting in Second Extra Session under the call of the Governor, do now adjourn, *sine die*.

The President Pro Tempore orders a message sent to the House of Representatives informing that Honorable Body that the Senate has completed the business for which it was convened by the Proclamation of the Governor and stands ready to adjourn this Second Extra Session of the 1983 General Assembly, *sine die*.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 5

HOUSE OF REPRESENTATIVES
March 8, 1984

Mr. President:

You are respectfully advised that in accordance with **H. J. R. 5, A JOINT RESOLUTION ADJOURNING THE 1984 EXTRA SESSION SINE DIE**, the business of the House of Representatives for the Second Extra Session of the 1984 General Assembly has been concluded and that this Body will be ready to open the doors of the House immediately upon receipt of information from your Honorable Body that you are ready to open your doors, that the gavels may fall simultaneously and adjournment may be declared *sine die*.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Pursuant to the message that the House of Representatives has concluded the business before it and having notified that Honorable Body that the Senate has completed the business before it, the President Pro Tempore of the Senate declares that the Senate stands ready for adjournment.

The President Pro Tempore orders the doors of the Senate thrown open and the Speaker of the House of Representatives is perceived standing ready to let the gavel fall.

The motion to adjourn heretofore offered by Senator Royall prevails.

The hour for adjournment *sine die* fixed by Resolution 1, having arrived, the President Pro Tempore of the Senate, W. Craig Lawing, presiding in the absence of the Lieutenant Governor, declares the Senate of the 1983 General Assembly meeting in Second Extra Session under the call of the Governor, adjourned, *sine die*.

JAMES C. GREEN
President of the Senate

SYLVIA MORRIS FINK
Principal Clerk of the Senate

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SECOND EXTRA SESSION 1983

NORTH CAROLINA GENERAL ASSEMBLY SENATORIAL DISTRICTS

(G. S. 120-1)

DISTRICTS Seats	COUNTIES Townships, Precincts, Towns, Census Tracts, Enumeration Districts
1st	(1) BEAUFORT (Township of Pantego), BERTIE (Townships of Merry Hill, Whites, Windsor — Town of Askewville; Enumeration Districts 196, 197), CAMDEN, CHOWAN, CURRITUCK, DARE, GATES (Townships of Holly Grove, Hunters Hill, Mintonville), HYDE, PASQUOTANK, PERQUIMANS, TYRRELL, WASHINGTON.
2nd	(1) BERTIE (Townships of Colerain, Indian Woods, Mitchells, Roxobel, Snake Bite, Woodville, Windsor — Town of Windsor; Enumeration Districts 198A, 199), EDGECOMBE (Townships of 3 — Upper Conetoe, 4 — Deep Creek), GATES (Townships of Gatesville, Hall, Haslett, Reynoldson), HALIFAX (Townships of Conocarnara, Enfield, Halifax, Littleton, Palmyra, Roseneath, Scotland Neck, Weldon), HERTFORD, MARTIN (Townships of Goose Nest, Hamilton), NORTHAMPTON, VANCE (Townships of Middleburg-Nutbush, Townsville, Williamsboro), WARREN (Townships of Fork, Hawtree, Nutbush, River, Roanoke, Sandy Creek, Shocco, Sixpound, Smith Creek, Warrenton).
3rd	(1) CARTERET, CRAVEN, PAMLICO.
4th	(1) ONSLOW.
5th	(1) DUPLIN, JONES, LENOIR, PENDER (Townships of Columbia, Union).
6th	(1) EDGECOMBE (Townships of 1 — Tarboro, 2 — Lower Conetoe, 5 — Lower Fishing Creek, 8 — Sparta, 9 — Otter Creek, 10 — Lower Town Creek, 11 — Walnut Creek, 12 — Rocky Mount, 13 — Cokey, 14 — Upper Town Creek), MARTIN (Township of Robersonville), PITT (Townships of Arthur, Belvoir, Bethel, Falkland, Farmville, Fountain), WILSON (Townships of Gardner, Wilson, Toisnot).
7th	(1) NEW HANOVER, PENDER (Townships of Burgaw, Canetuck, Caswell, Grady, Holly, Long Creek, Rocky Point, Topsail).
8th	(1) GREENE, WAYNE.
9th	(1) BEAUFORT (Townships of Bath, Chocowinity, Long Acre, Richland, Washington), MARTIN (Townships of Beargrass, Cross Roads, Grifins, Jamesville, Poplar Point, Williams, Williamston), PITT (Townships of Ayden, Carolina, Chicod, Greenville, Grifton, Grimesland, Pactolus, Swift Creek, Winterville).
10th	(1) EDGECOMBE (Townships of 6 — Upper Fishing Creek, 7 — Swift Creek), HALIFAX (Townships of Brinkleyville, Butterwood, Faucett, Roanoke Rapids), NASH, WARREN (Townships of Fishing Creek, Judkins), WILSON (Townships of Black Creek, Cross Roads, Old Fields, Saratoga, Springhill, Stantonsburg, Taylor).

- 11th (1) FRANKLIN, VANCE, WAKE (Townships of Bartons Creek, Little River, Marks Creek, New Light, Wake Forest, St. Matthews Precincts 1, 2, 3, 4).
- 12th (2) CUMBERLAND (Townships of Black River, Carvers Creek, Cedar Creek, Cross Creek, Eastover, Gray's Creek, Manchester, Pearces Mills, Rockfish, Seventy-First).
- 13th (2) DURHAM, GRANVILLE, PERSON, ORANGE (Townships of Cedar Grove, Eno, Little River).
- 14th (3) HARNETT, LEE, WAKE (Townships of Buckhorn, Cary, Cedar Fork, Holly Springs, House Creek, Leesville, Meredith, Middle Creek, Neuse River, Panther Branch, Raleigh, St. Mary's, St. Matthew's [not included in District 11], Swift Creek, White Oak).
- 15th (1) JOHNSTON, SAMPSON.
- 16th (2) CHATHAM, MOORE, RANDOLPH, ORANGE (Townships of Bingham, Chapel Hill, Cheeks, Hillsborough).
- 17th (2) ANSON, MONTGOMERY, RICHMOND, SCOTLAND, STANLY, UNION.
- 18th (1) BLADEN, BRUNSWICK, COLUMBUS, CUMBERLAND (Township of Beaver Dam).
- 19th (1) FORSYTH (Townships of Belews Creek, Kernersville), GUILFORD (Townships of Bruce, Center Grove, Clay, Fentress, Greene, Madison, Monroe, Oak Ridge, Rock Creek, Washington — Precincts of Friendship I, Greensboro 10, 20, 21, 27, 28, 32, 34, 35).
- 20th (2) FORSYTH (Townships of Abbotts Creek, Bethania, Broadbay, Clemmonsville, Lewisville, Middle Fork, Old Richmond, Old Town, Salem Chapel, South Fork, Vienna, Winston).
- 21st (1) ALAMANCE, CASWELL.
- 22nd (1) CABARRUS, MECKLENBURG (Precincts of Charlotte 62, 64, Clear Creek, Matthews, Mint Hill 1, 2, Morning Star, Providence).
- 23rd (2) DAVIDSON, DAVIE, ROWAN.
- 24th (2) ALLEGHANY, ASHE, ROCKINGHAM, STOKES, SURRY, WATAUGA.
- 25th (3) CLEVELAND, GASTON, LINCOLN, RUTHERFORD.
- 26th (2) ALEXANDER, CATAWBA, IREDELL, YADKIN.
- 27th (2) AVERY, BURKE, CALDWELL, MITCHELL, WILKES.
- 28th (2) BUNCOMBE, McDOWELL, MADISON, YANCEY.
- 29th (2) CHEROKEE, CLAY, GRAHAM, HAYWOOD, HENDERSON, JACKSON, MACON, POLK, SWAIN, TRANSYLVANIA.
- 30th (1) HOKE, ROBESON.

- 31st (1) GUILFORD (Townships of Jefferson, Sumner, High Point Census Tract 166 [Block 921], Precincts of Greensboro 3, 4, 5, 6, 7, 8, 9, 11, 19, 25, 29, 30, High Point 3, 5, 6, 7, 11, 12, 19, Jamestown 1, 2, 3).
- 32nd (1) GUILFORD (Township of Deep River; Precincts of Friendship II, Greensboro 1, 2, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 26, 31, 33, 36, High Point 1, 2, 4, 8, 9, 10, 13, 14, 15, 16, 17, 18, 20, 21).
- 33rd (1) MECKLENBURG (Precincts of Charlotte 2, 11, 12, 13, 14, 15, 16, 22, 25, 27, 29, 31, 39, 41, 42, 44, 46, 52, 54, 55, 56, 60, 77, 78, 82, Long Creek 2.
- 34th (1) MECKLENBURG (Precincts of Charlotte 3, 4, 5, 23, 24, 26, 28, 30, 33, 40, 43, 45, 53, 61, 79, 80, 81, 83, 84, 89, Berryhill, Cornelius, Crab Orchard 1, 2, Davidson, Huntersville, Lemly, Long Creek 1, Mallard Creek 1, 2, Oakdell, Paw Creek 1, 2, Steel Creek 1, 2.)
- 35th (1) MECKLENBURG (Precincts of Charlotte 1, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 32, 34, 35, 36, 37, 38, 47, 48, 49, 50, 51, 57, 58, 59, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 85, 86, 88, Pineville)

Ch. 5 (First Extra Session) — Ch. 2 (Second Extra Session) 1982
Ch. 4 and 5 (Second Extra Session) 1984

FILED — January 27, 1984
J. Rich Leonard, Clerk
U.S. District Court
E. Dist. No. Car.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

RALPH GINGLES, et al.)	
Plaintiffs,)	
)	No. 81-803-CIV-5
vs.)	
)	MEMORANDUM OPINION
RUFUS L. EDMISTEN, et al.)	
Defendants.)	

Before PHILLIPS, Circuit Judge, BRITT, Chief District Judge, and DUPREE, Senior District Judge.

PHILLIPS, Circuit Judge:

In this action Ralph Gingles and others, individually and as representatives of a class composed of all the black citizens of North Carolina who are registered to vote, challenge on constitutional and statutory grounds the redistricting¹ plan enacted in final form in 1982 by the General Assembly of North Carolina for the election of members of the Senate and House of Representatives of that state's bicameral legislature. Jurisdiction of this three-judge district court is based on 28 U.S.C. §§ 1331, 1343, and 2284 (three judge court) and on 42 U.S.C. § 1973c.

The gravamen of plaintiffs' claim is that the plan makes use of multi-member districts with substantial white voting majorities in some areas of the state in which there are sufficient concentrations of black voters to form majority black single-member districts, and that in another area of the state the plan fractures into separate voting minorities a comparable concentration of black voters, all in a manner that violates rights of the plaintiffs secured by section 2 of the Voting Rights Act of 1965, amended June 29, 1982, 42 U.S.C. § 1973 (Section 2, or Section 2 of the Voting Rights Act), 42 U.S.C. §§ 1981 and 1983, and the thirteenth, fourteenth and fifteenth amendments to the United States Constitution.² In particular, the claim is that the General Assembly's plan impermissibly dilutes the voting strength of the state's registered black voters by submerging black voting minorities in multi-member House District No. 36 (8 members — Mecklenburg County), multi-member House District No. 39 (5 members — part of Forsyth County), multi-member House District No. 23 (3 members — Durham County), multi-member House District No. 21 (6 members — Wake County), multi-member House District No. 8 (4 members — Wilson, Edgecombe and Nash Counties), and multi-member Senate District No. 22 (4 members — Mecklenburg and Cabarrus Counties), and by fracturing between more than one senate district in the northeastern section of the state a concentration of black voters sufficient in numbers and contiguity to constitute a voting majority in at least one single-member district, with the consequence, as intended, that in none of the senate districts into which the concentration is fractured (most notably, Senate District 2 with the largest mass of the concentration) is there an effective voting majority of black citizens.

We conclude on the basis of our factual findings that the redistricting plan violates Section 2 of the Voting Rights Act in all the respects challenged, and that plaintiffs are therefore entitled to appropriate relief, including an order enjoining defendants from conducting elections under the extant plan. Because we uphold plaintiffs' claim for relief under Section 2 of the Voting Rights Act, we do not address their other statutory and constitutional claims seeking the same relief.

I

General Background and Procedural History

In July of 1981, responding to its legal obligation to make any redistrictings compelled by the 1980 decennial census, the North Carolina General Assembly enacted a legislative redistricting plan for the state's House of Representatives and Senate. This original 1981 plan used a combination of multi-member and single-member districts across the state, with multi-member districts predominating; had no district in which blacks constituted a registered voter majority and only one with a black population majority; and had a range of maximum population deviations from the equal protection ideal of more than 20%. Each of the districts was composed of one or more whole counties, a result then mandated by state constitutional provisions adopted in 1968 by amendments that prohibited the division of counties in legislative districting. At the time this original redistricting plan was enacted (and at all critical times in this litigation) forty of North Carolina's one hundred counties were covered by section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c (Section 5 or Section 5 of the Voting Rights Act).

Plaintiffs filed this action on September 16, 1981, challenging that original redistricting plan for, *inter alia*, its population deviations, its submergence of black voter concentrations in some of the multi-member districts, and the failure of the state to obtain preclearance, pursuant to Section 5, of the 1968 constitutional amendments prohibiting county division in legislative districting.

After this action had been filed, the state submitted the 1968 no-division-of-counties

constitutional provisions for original Section 5 preclearance by the Attorney General of the United States. While action on that submission was pending, the General Assembly convened again in special session and in October 1981 repealed the original districting plan for the state House of Representatives and enacted another. This new plan reduced the range of maximum population deviations to approximately 16%, retained a preponderance of multi-member districts across the state, and again divided no counties. No revision of the extant Senate districting plan was made.

In November 1981, the Attorney General interposed formal objection, under Section 5, to the no-division-of-counties constitutional provisions so far as they affected covered counties. Objection was based on the Attorney General's expressed view that the use of whole counties in legislative districting required the use of large multi-member districts and that this "necessarily submerges cognizable minority population concentrations into larger white electorates." Following this objection to the constitutional provisions, the Attorney General further objected, on December 7, 1981, and January 20, 1982, to the then extant redistricting plans for both the Senate and House as they affected covered counties.

In February 1982, the General Assembly again convened in extra session and on February 11, 1982, enacted for both the Senate and House revised redistricting plans which divided some counties both in areas covered and areas not covered by Section 5. Again, on April 19, 1982, the Attorney General interposed objections to the revised districting plans for both the Senate and House. The letter interposing objection acknowledged some improvement of black voters' situation by reason of county division in Section 5 covered areas, but found the improvements insufficient to permit preclearance. The General Assembly once more reconvened in a second extra session on April 26, 1982, and on April 27, 1982, enacted a further revised plan which again divided counties both in areas covered and areas not covered by Section 5. That plan, embodied in chapters 1 and 2 of the North Carolina Session Laws of the Second Extra Session of 1982, received Section 5 preclearance on April 30, 1982. As precleared under Section 5, that plan constitutes the extant legislative districting law of the state, and is the subject of plaintiffs' ultimate challenge by amended and supplemented complaint in this action.³

During the course of the legislative proceedings above summarized, this action proceeded through its pre-trial stages.⁴ Amended and supplemental pleadings accommodating to successive revisions of the originally challenged redistricting plan were allowed. Extensive discovery and motion practice was had; extensive stipulations of fact were made and embodied in pretrial orders. The presently composed three-judge court was designated by Chief Judge Harrison L. Winter of the United States Court of Appeals for the Fourth Circuit on October 16, 1981. The action was designated a plaintiff class action by stipulation of the parties on April 2, 1982. Following enactment and Section 5 preclearance of the April 27, 1982, Senate and House districting plans, the pleadings were closed, with issue joined for trial on plaintiffs' challenge, by amended and supplemented complaint, to that finally adopted plan.

Following a final pre-trial conference on July 14, 1983, trial to the three-judge court was held from July 25, 1983, through August 3, 1983. Extensive oral and documentary evidence was received. Decision was deferred pending the submission by both parties of proposed findings of fact and conclusions of law, briefing and oral argument. Concluding oral arguments of counsel were heard by the court on October 14, 1983, and a limited submission of supplemental documentary evidence by both parties was permitted on December 5, 1983.

Having considered the evidence, the memoranda of law submitted by the parties, the

stipulations of fact, and the oral arguments of counsel, the court, pursuant to Fed. R. Civ. P. 52(a), enters the following findings of fact and conclusions of law, prefaced with a discussion of amended Section 2 of the Voting Rights Act and of certain special problems concerning the proper interpretation and application of that section to the evidence in this case.

II

Amended Section 2 of the Voting Rights Act

From the outset of this action plaintiffs have based their claim of racial vote dilution not only on the fourteenth and fifteenth amendments, but on Section 2 of the Voting Rights Act. As interpreted by the Supreme Court at the time this action was commenced, former Section 2,⁵ secured no further voting rights than were directly secured by those constitutional provisions. To the extent "vote dilution" claims lay under either of the constitutional provisions or Section 2,⁶ the requirements for proving such a claim were the same: there must have been proven both a discriminatorily "dilutive" effect traceable in some measure to a challenged electoral mechanism and, behind that effect, a specific intent on the part of responsible state officials that the mechanism should have had the effect. *City of Mobile v. Bolden*, 446 U.S. 55 (1980).

While this action was pending for trial and after the ultimately challenged redistricting plan had been enacted and given Section 5 preclearance, Congress amended Section 2⁷ in drastic and, for this litigation, critically important respects. In rough summary, the amended version liberalized the statutory vote dilution claim in two fundamental ways. It removed any necessity that discriminatory intent be proven, leaving only the necessity to show dilutive effect traceable to a challenged electoral mechanism; and it made explicit that the dilutive effect might be found in the "totality of the circumstances" within which the challenged mechanism operated and not alone in direct operation of the mechanism.

Following Section 2's amendment, plaintiffs amended their complaint in this action to invoke directly the much more favorable provisions of the amended statute. All further proceedings in the case have been conducted on our perception that the vote dilution claim would succeed or fail under amended Section 2 as now the obviously most favorable basis of claim.⁸

Because of the amended statute's profound reworking of applicable law and because of the absence of any authoritative Supreme Court decisions interpreting it,⁹ we preface our findings and conclusions with a summary discussion of the amended statute and of our understanding of its proper application to the evidence in this case. Because we find it dispositive of the vote dilution claim, we may properly rest decision on the amended statute alone and thereby avoid addressing the still subsisting constitutional claims seeking the same relief. See *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 347 (1936) (Brandeis, J., concurring).

Section 2, as amended, reads as follows:

- (a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any state or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in Section 4(f) (2), as provided in subsection (b).
- (b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of

citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: **Provided**, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

Without attempting here a detailed analysis of the legislative history leading to enactment of amended Section 2, we deduce from that history and from the judicial sources upon which Congress expressly relied in formulating the statute's text the following salient points which have guided our application of the statute to the facts we have found.

First. The fundamental purpose of the amendment to Section 2 was to remove intent as a necessary element of racial vote dilution claims brought under the statute.¹⁰

This was accomplished by codifying in the amended statute the racial vote dilution principles applied by the Supreme Court in its pre-**Bolden** decision in **White v. Regester**, 412 U.S. 755 (1973). That decision, as assumed by the Congress,¹¹ required no more to establish the illegality of a state's electoral mechanism than proof that its "result," irrespective of intent, when assessed in "the totality of circumstances" was "to cancel out or minimize the voting strength of racial groups," *id.* at 765 — in that case by submerging racial minority voter concentrations in state multi-member legislative districts. The **White v. Regester** racial vote dilution principles, as assumed by the Congress, were made explicit in new subsection (b) of Section 2 in the provision that such a "result," hence a violation of secured voting rights, could be established proof "based on the totality of circumstances. . . that the political processes leading to nomination or election. . . are not equally open to participation" by members of protected minorities. *Cf. id.* at 766.

Second. In determining whether, "based on the totality of circumstances," a state's electoral mechanism does so "result" in racial vote dilution, the Congress intended that courts should look to the interaction of the challenged mechanism with those historical, social and political factors generally suggested as probative of dilution in **White v. Regester** and subsequently elaborated by the former Fifth Circuit in **Zimmer v. McKeithen**, 485 F. 2d 1297 (5th Cir. 1973) (*en banc*), *aff'd on other grounds sub nom. East Carroll Parrish School Board v. Marshall, 424 U.S. 636 (1976) (*per curiam*). These typically include, per the Senate Report accompanying the compromise version enacted as amended Section 2:*

1. the extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process;

2. the extent to which voting in the elections of the state or political subdivision is racially polarized;

3. the extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group;

4. if there is a candidate slating process, whether the members of the minority group have been denied access to that process;

5. the extent to which members of the minority group in the state or political

subdivision bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process;

6. whether political campaigns have been characterized by overt or subtle racial appeals;

7. the extent to which members of the minority group have been elected to public office in the jurisdiction.

Additional factors that in some cases have had probative value as part of plaintiffs' evidence to establish a violation are:

whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group.

whether the policy underlying the state or political subdivision's use of such voting qualification, prerequisite to voting, or standard, practice or procedure is tenuous.

While these enumerated factors will often be the most relevant ones, in some cases other factors will be indicative of the alleged dilution.

S. Rep. No. 97-417, *supra* note 10, at 28-29 (footnotes omitted).

Third. Congress also intended that amended Section 2 should be interpreted and applied in conformity with the general body of pre-**Bolden** racial vote dilution jurisprudence that applied the **White v. Regester** test for the existence of a dilutive "result."¹²

Critical in that body of jurisprudence are the following principles that we consider embodied in the statute.

The essence of racial vote dilution in the **White v. Regester** sense is this: that primarily because of the interaction of substantial and persistent racial polarization in voting patterns (racial bloc voting) with a challenged electoral mechanism, a racial minority with distinctive group interests that are capable of aid or amelioration by government is effectively denied the political power to further those interests that numbers alone would presumptively, see **United Jewish Organizations v. Carey**, 430 U.S. 144, 166 n. 24 (1977), give it in a voting constituency not racially polarized in its voting behavior. See **Nevett v. Sides**, 571 F. 2d 209, 223 & n.16 (5th Cir. 1978). Vote dilution in this sense can exist notwithstanding the relative absence of structural barriers to exercise of the electoral franchise. It can be enhanced by other factors — cultural, political, social, economic — in which the racial minority is relatively disadvantaged and which further operate to diminish practical political effectiveness. **Zimmer v. McKeithen**, *supra*. But the demonstrable unwillingness of substantial numbers of the racial majority to vote for any minority race candidate or any candidate identified with minority race interests is the linchpin of vote dilution by districting. **Nevett v. Sides**, *supra*; see also **Rogers v. Lodge**, 458 U.S. 613, 623 (1981) (emphasizing centrality of bloc voting as evidence of purposeful discrimination).

The mere fact that blacks constitute a voting or population minority in a multi-member district does not alone establish that vote dilution has resulted from the districting plan. See **Zimmer**, 485 F. 2d at 1304 ("axiomatic" that at-large and multi-member districts are not *per se* unconstitutional). Nor does the fact that blacks have not been elected under a challenged districting plan in numbers proportional to their percentage of the population. *Id* at 1305.¹³

On the other hand, proof that blacks constitute a population majority in an electoral

district does not *per se* establish that no vote dilution results from the districting plan, at least where the blacks are a registered voter minority. *Id.* at 1303. Nor does proof that in a challenged district blacks have recently been elected to office. *Id.* at 1307.

Vote dilution in the **White v. Regester** sense may result from the fracturing into several single-member districts as well as from the submergence in one multi-member district of black voter concentrations sufficient, if not "fractured" or "submerged," to constitute an effective single-member district voting majority. See **Nevett v. Sides**, 571, F. 2d 209, 219 (5th Cir. 1978).

Fourth. Amended Section 2 embodies a congressional purpose to remove all vestiges of minority race vote dilution perpetuated on or after the amendment's effective date by state or local electoral mechanisms.¹⁴ To accomplish this, Congress has exercised its enforcement powers under section 5 of the fourteenth and section 2 of the fifteenth amendments¹⁵ to create a new judicial remedy by private action that is broader in scope than were existing private rights of action for constitutional violations of minority race voting rights. Specifically, this remedy is designed to provide a means for bringing states and local governments into compliance with constitutional guarantees of equal voting rights for racial minorities without the necessity to prove an intentional violation of those rights.¹⁶

Fifth. In enacting amended Section 2, Congress made a deliberate political judgment that the time had come to apply the statute's remedial measures to **present conditions** of racial vote dilution that might be established in particular litigation; that national policy respecting minority voting rights could no longer await the securing of those rights by normal political processes, or by voluntary action of state and local governments, or by judicial remedies limited to proof of intentional racial discrimination. See, *e.g.*, S. Rep. 97-417, *supra* note 10, at 193 (additional views of Senator Dole) (asserting purpose to eradicate "racial discrimination which . . . still exists in the American electoral process").

In making that political judgment, Congress necessarily took into account and rejected as unfounded, or assumed as outweighed, several risks to fundamental political values that opponents of the amendment urged in committee deliberations and floor debate. Among these were the risk that the judicial remedy might actually be at odds with the judgment of significant elements in the racial minority;¹⁷ the risk that creating "safe" black-majority single-member districts would perpetuate racial ghettos and racial polarization in voting behavior;¹⁸ the risk that reliance upon the judicial remedy would supplant the normal, more healthy processes of acquiring political power by registration, voting and coalition building;¹⁹ and the fundamental risk that the recognition of "group voting rights" and the imposing of affirmative obligation upon government to secure those rights by race-conscious electoral mechanisms was alien to the American political tradition.²⁰

For courts applying Section 2, the significance of Congress's general rejection or assumption of these risks as a matter of political judgment is that they are not among the circumstances to be considered in determining whether a challenged electoral mechanism presently "results" in racial vote dilution, either as a new or perpetuated condition. If it does, the remedy follows, all risks to these values having been assessed and accepted by Congress. It is therefore irrelevant for courts applying amended Section 2 to speculate or to attempt to make findings as to whether a presently existing condition of racial vote dilution is likely in due course to be removed by normal political processes, or by affirmative acts of the affected government, or that some elements of the racial minority prefer to rely upon those processes rather than having the judicial remedy invoked.

III.
Findings of Fact

A.
The Challenged Districts

The redistricting plans for the North Carolina Senate and House of Representatives enacted by the General Assembly of North Carolina in April of 1982 included six multi-member districts and one single-member district that are the subjects of the racial vote dilution challenge in this action.

The multi-member districts, each of which continued pre-existing districts and apportionments, are as follows, with their compositions, their apportionments of members and the percentage of their total populations and of their registered voters that are black:

District	% of Population that is Black	% of Registered Voters that is Black (as of 10/4/82)
Senate No. 22 (Mecklenburg and Cabarrus Counties) (4 members)	24.3	16.8
House No. 36 (Mecklenburg County) (8 members)	26.5	18.0
House No. 39 (Part of Forsyth County) (5 members)	25.1	20.8
House No. 23 (Durham County) (3 members)	36.3	28.6
House No. 21 (Wake County) (6 members)	21.8	15.1
House No. 8 (Wilson, Nash and Edgecombe Counties) (4 members)	39.5	29.5

As these districts are constituted, black citizens make up distinct population and registered-voter minorities in each.

Of these districts, only House District No. 8 is in an area of the state covered by § 5 of the Voting Rights Act.

At the time of the creation of these multi-member districts, there were concentrations of black citizens within the boundaries of each that were sufficient in numbers and contiguity to constitute effective voting majorities in single-member districts lying wholly within the boundaries of the multi-member districts, which single-member districts would satisfy all constitutional requirements of population and geographical configuration. For example, concentrations of black citizens embraced within the following single-member districts, as depicted on exhibits before the court, would meet those criteria:

Multi-member District	Single-Member District: location and racial composition	Exhibit
Senate No. 22 (Mecklenburg/Cabarrus Counties)	Part of Mecklenburg County; 70.0% Black	Pl. Ex. 9
House No. 36 (Mecklenburg County)	(1) Part of Mecklenburg County; 66.1% Black	Pl. Ex. 4
	(2) Part of Mecklenburg County; 71.2% Black	Pl. Ex. 4

House No. 39 (Part of Forsyth County)	Part of Forsyth County; 70.0% Black	Pl. Ex. 5
House No. 23 (Durham County)	Part of Durham County; 70.9% Black	Pl. Ex. 6 — substitute
House No. 21 (Wake County)	Part of Wake County; 67.0% Black	Pl. Ex. 7
House No. 8 (Wilson, Edgecombe, Nash Counties)	Parts of Wilson, Edgecombe, and Nash Counties; 62.7% Black	Pl. Ex. 8

The single-member district is Senate District No. 2 in the rural northeastern section of the state. It was formed by extensive realignment of existing districts to encompass an area which formerly supplied components of two multi-member Senate districts (No. 1 of 2 members; No. 6 of 2 members). It consists of the whole of Northampton, Hertford, Gates, Bertie, and Chowan Counties, and parts of Washington, Martin, Halifax and Edgecombe Counties. Black citizens made up 55.1% of the total population of the district, and 46.2% of the population that is registered to vote. This does not constitute them an effective voting majority in this district.²¹

This district is in an area of the state covered by § 5 of the Voting Rights Act.

At the time of creation of this single-member district, there was a concentration of black citizens within the boundaries of this district and those of adjoining Senate District No. 6 that was sufficient in numbers and in contiguity to constitute an effective voting majority in a single-member district, which single-member district would satisfy all constitutional requirements of population and geographical configuration. For example, a concentration of black voters embraced within a district depicted on Plaintiff's Exhibit 10(a) could minimally meet these criteria, though a still larger concentration might prove necessary to make the majority a truly effective one, depending upon experience in the new district alignments. In such a district, black citizens would constitute 60.7% of the total population and 51.02% of the registered voters (as contrasted with percentages of 55.1% and 46.2%, respectively, in challenged Senate District 2).

B.

Circumstances Relevant to the Claim of Racial Vote Dilution: the "Zimmer Factors"

At the time the challenged districting plan was enacted in 1982, the following circumstances affected the plan's effect upon the voting strength of black voters of the state (the plaintiff class), and particularly those in the areas of the challenged districts.

A History of Official Discrimination Against Black Citizens in Voting Matters

Following the emancipation of blacks from slavery and the period of post-war Reconstruction, the State of North Carolina had officially and effectively discriminated against black citizens in matters touching their exercise of the voting franchise for a period of around seventy years, roughly two generations, from ca. 1900 to ca. 1970. The history of black citizens' attempts since the Reconstruction era to participate effectively in the political process and the white majority's resistance to those efforts is a bitter one, fraught with racial animosities that linger in diminished but still evident form to the present and that remain centered upon the voting strength of black citizens as an indented group.

From 1868 to 1875, black citizens, newly emancipated and given the legal right to vote, effectively exercised the franchise, in coalition with white Republicans, to control the state legislature. In 1875, the Democratic Party, overwhelmingly white in composition, regained control of state government and began deliberate efforts to reduce participation by black citizens in the political processes. These efforts were not immediately and wholly successful and black male citizens continued to vote and to hold elective office for the remainder of the nineteenth century.

This continued participation by black males in the political process was furthered by the Fusionists' (Populist and Republican coalition) assumption of control of the state legislature in 1894. For a brief season, this resulted in legislation favorable to black citizens' political participation as well as their economic advancement.

The Fusionists' legislative program favorable to blacks impelled the white-dominated Democratic Party to undertake an overt white supremacy political campaign to destroy the Fusionist coalition by arousing white fears of Negro rule. This campaign, characterized by blatant racist appeals by pamphlet and cartoon, aided by acts of outright intimidation, succeeded in restoring the Democratic Party to control of the legislature in 1898. The 1898 legislature then adopted constitutional amendments specifically designed to disenfranchise black voters by imposing a poll tax and a literacy test for voting with a grandfather clause for the literacy test whose effect was to limit the disenfranchising effect to blacks. The amendments were adopted by the voters of the state, following a comparable white supremacy campaign, in 1900. The 1900 official literacy test continued to be freely applied for 60 years in a variety of forms that effectively disenfranchised most blacks. In 1961, the North Carolina Supreme Court declared unconstitutional the practice of requiring a registrant to write the North Carolina Constitution from dictation, but upheld the practice of requiring a registrant "of uncertain ability" to read and copy in writing the state Constitution. **Bazemore v. Bertie County Board of Elections**, 254 N. C. 398 (1961). At least until around 1970, the practice of requiring black citizens to read and write the Constitution in order to vote was continued in some areas of the state. Not until around 1970 did the State Board of Elections officially direct cessation of the administration of any form of literacy test.

Other official voting mechanisms designed to minimize or cancel the potential voting strength of black citizens were also employed by the state during this period. In 1955, an anti-single shot voting law applicable to specified municipalities and counties was enacted. It was enforced, with the intended effect of fragmenting a black minority's total vote between two or more candidates in a multi-seat election and preventing its concentration on one candidate, until declared unconstitutional in 1972 in **Dunston v. Scott**, 336 F. Supp. 206 (E.D.N.C. 1972). In 1967, a numbered-seat plan for election in multi-member legislative districts was enacted. Its effect was, as intended, to prevent single-shot voting in multi-member legislative districts. It was applied until declared unconstitutional in the **Dunston** case, *supra*, in 1972.

In direct consequence of the poll tax and the literacy test, black citizens in much larger percentages of their total numbers than the comparable percentages of white citizens were either directly denied registration or chilled from making the attempt from the time of imposition of these devices until their removal. After their removal as direct barriers to registration, their chilling effect on two or more generations of black citizens has persisted to the present as at least one cause of continued relatively depressed levels of black voter registration. Between 1930 and 1948 the percentage of black citizens who successfully sought to register under the poll tax and literacy tests increased from zero to 15%. During this eighteen-year period that only ended after World War II, no black was elected to public office in the state. In 1960, twelve years later, after the Supreme Court decision in

Brown v. Board of Education, 347 U.S. 483 (1954), only 39.1% of the black voting age population was registered to vote, compared to 92.1% of age-qualified whites. By 1971, following the civil rights movement, 44.4% of age-qualified blacks were registered compared to 60.6% of whites. This general range of statewide disparity continued into 1980, when 51.3% of age-qualified blacks and 70.1% of whites were registered, and into 1982 when 52.7% of age-qualified blacks and 66.7% of whites were registered.²²

Under the present Governor's administration an intelligent and determined effort is being made by the State Board of Elections to increase the percentages of both white and black voter registrations, with special emphasis being placed upon increasing the levels of registration in groups, including blacks, in which those levels have traditionally been depressed relative to the total voting age population. This good faith effort by the currently responsible state agency, directly reversing official state policies which persisted for more than seventy years into this century, is demonstrably now producing some of its intended results. If continued on a sustained basis over a sufficient period, the effort might succeed in removing the disparity in registration which survives as a legacy of the long period of direct denial and chilling by the state of registration by black citizens. But at the present time the gap has not been closed, and there is of course no guarantee that the effort will be continued past the end of the present state administration.

The present condition — which we assess — is that, on a statewide basis, black voter registration remains depressed relative to that of the white majority, in part at least because of the long period of official state denial and chilling of black citizens' registration efforts. This statewide depression of black voter registration levels is generally replicated in the areas of the challenged districts, and in each is traceable in part at least to the historical statewide pattern of official discrimination here found to have existed.

Effects of Racial Discrimination in Facilities, Education, Employment, Housing and Health

In consequence of a long history, only recently alleviated to some degree, of racial discrimination in public and private facility uses, education, employment, housing and health care, black registered voters of the state remain hindered, relative to the white majority, in their ability to participate effectively in the political process.

At the start of this century, *de jure* segregation of the races in practically all areas of their common life existed in North Carolina. This condition continued essentially unbroken for another sixty-odd years, through both World Wars and the Korean conflict, and through the 1950's. During this period, in addition to prohibiting inter-racial marriages, state statutes provided for segregation of the races in fraternal orders and societies; the seating and waiting rooms of railroads and other common carriers; cemeteries; prisons, jails and juvenile detention centers; institutions for the blind, deaf and mentally ill; public and some private toilets; schools and school districts; orphanages; colleges; and library reading rooms. With the exception of those laws relating to schools and colleges, most of these statutes were not repealed until after passage of the federal Civil Rights Act of 1964, some as late as 1973.

Public schools in North Carolina were officially segregated by race until 1954 when **Brown v. Board of Education** was decided. During the long period of *de jure* segregation, the black schools were consistently less well funded and were qualitatively inferior. Following the **Brown** decision, the public schools remained substantially segregated for yet another fifteen years on a *de facto* basis, in part at least because of various practical impediments erected by the state to judicial enforcement of the constitutional right to desegregated public education recognized in **Brown**. As late as 1960, only 226 black

students throughout the entire state attended formerly all-white public schools. Until the end of the 1960's, practically all the state's public schools remained almost all white or almost all black. Substantial desegregation of the public schools only began to take place around a decade ago, following the Supreme Court's decision in **Swann v. Mecklenburg County Board of Education**, 402 U.S. 1 (1971). In the interval since, "white-flight" patterns in some areas of the state have prevented or reversed developing patterns of desegregation of the schools. In consequence, substantial pockets of *de facto* segregation of the races in public school education have re-arisen or have continued to exist to this time though without the great disparities in public funding and other support that characterized *de jure* segregation of the schools.

Because significant desegregation of the public schools only commenced in the early 1970's, most of the black citizens of the state who were educated in this state and who are over 30 years of age attended qualitatively inferior racially segregated public schools for all or most of their primary and secondary education. The first group of black citizens who have attended integrated public schools throughout their educational career are just now reaching voting age. In at least partial consequence of this segregated pattern of public education and the general inferiority of *de jure* segregated black schools, black citizens of the state who are over 25 years of age are substantially more likely than whites to have completed less than 8 years of education (34.6% of blacks; 22.0% of whites), and are substantially less likely than whites to have had any schooling beyond high school (17.3% of blacks; 29.3% of whites).

Residential housing patterns in North Carolina, as generally in states with histories of *de jure* segregation, have traditionally been separated along racial lines. That pattern persists today in North Carolina generally and in the areas covered by the challenged districts specifically; in the latter, virtually all residential neighborhoods are racially identifiable. Statewide, black households are twice as likely as white households to be renting rather than purchasing their residences and are substantially more likely to be living in overcrowded housing, substandard housing, or housing with inadequate plumbing.

Black citizens of North Carolina have historically suffered disadvantage relative to white citizens in public and private employment. Though federal employment discrimination laws have, since 1964, led to improvement, the effects of past discrimination against blacks in employment continue at present to contribute to their relative disadvantage. On a statewide basis, generally replicated in the challenged districts in this action, blacks generally hold lower paying jobs than do whites, and consistently suffer higher incidences of unemployment. In public employment by the state, for example, a higher percentage of black employees than of whites is employed at every salary level below \$12,000 per year and a higher percentage of white employees than black is employed at every level above \$12,000.

At least partially because of this continued disparity in employment opportunities, black citizens are three times as likely as whites to have incomes below the poverty level (30% to 10%); the mean income of black citizens is 64.9% that of white citizens; white families are more than twice as likely as black families to have incomes over \$20,000; and 25.1% of all black families, compared to 7.3% of white families, have no private vehicle available for transportation.

In matters of general health, black citizens of North Carolina are, on available primary indicators, as a group less physically healthy than are white citizens as a group. On a statewide basis, the infant mortality rate (the standard health measure used by sociologists) is approximately twice as high for non-whites (predominately blacks) as for whites.

This statewide figure is generally replicated in Mecklenburg, Forsyth, Durham, Wake, Wilson, Edgecombe and Nash Counties (all included within the challenged multi-member districts). Again, on a statewide basis, the death rate is higher for black citizens than for white, and the life-expectancy of black citizens is shorter than is that of whites.

On all the socio-economic factors treated in the above findings, the status of black citizens as a group is lower than is that of white citizens as a group. This is true statewide, and it is true with respect to every county in each of the districts under challenge in this action. This lower socio-economic status gives rise to special group interests centered upon those factors. At the same time, it operates to hinder the group's ability to participate effectively in the political process and to elect representatives of its choice as a means of seeking government's awareness of and attention to those interests.²³

Other Voting Procedures That Lessen the Opportunity of Black Voters to Elect Candidates of Their Choice

In addition to the numbered seat requirement and the anti-single shot provisions of state law that were declared unconstitutional in 1972, *see supra* p. 28, North Carolina has, since 1915, had a majority vote requirement which applies to all primary elections, but not to general elections. N.C.G.S. § 163-111.²⁴

The general effect of a majority vote requirement is to make it less likely that the candidates of any identifiable voting minority will finally win elections, given the necessity that they achieve a majority of votes, if not in a first election, then (if called for) in a run-off election. This generally adverse effect on any cohesive voting minority is, of course, enhanced for racial minority groups if, as we find to be the fact in this case, *see infra* pp. 48-58, racial polarization in voting patterns also exists.

While no black candidate for election to the North Carolina General Assembly — either in the challenged districts or elsewhere — has so far lost (or failed to win) an election solely because of the majority vote requirement, the requirement nevertheless exists as a continuing practical impediment to the opportunity of black voting minorities in the challenged districts to elect candidates of their choice.

The North Carolina majority vote requirement manifestly operates with the general effect noted upon all candidates in primary elections. Since 1950, eighteen candidates for the General Assembly who led first primaries with less than a majority of votes have lost run-off elections, as have twelve candidates for other statewide offices, including a black candidate for Lt. Governor and a black candidate for Congress. The requirement therefore necessarily operates as a general, ongoing impediment to any cohesive voting minority's opportunity to elect candidates of its choice in any contested primary, and particularly to any racial minority in a racially-polarized vote setting.²⁵

North Carolina does not have a subdistrict residency requirement for members of the Senate and House elected from multi-member districts, a requirement which could to some degree off-set the disadvantage of any voting minority in multi-member districts.²⁶

Use of Racial Appeals in Political Campaigns

From the Reconstruction era to the present time, appeals to racial prejudice against black citizens have been effectively used by persons, either candidates or their supporters, as a means of influencing voters in North Carolina political campaigns. The appeals have been overt and blatant at some times, more subtle and furtive at others. They have tended to be most overt and blatant in those periods when blacks were openly asserting political and civil rights — during the Reconstruction-Fusion era and during the era of the

major civil rights movement in the 1950's and 1960's. During the period from ca. 1900 to ca. 1948 when black citizens of the state were generally quiescent under *de jure* segregation, and when there were few black voters and no black elected officials, racial appeals in political campaigning were simply not relevant and accordingly were not used. With the early stirrings of what became the civil rights movement following World War II, overt racial appeals reappeared in the campaigns of some North Carolina candidates. Though by and large less gross and virulent than were those of the outright white supremacy campaigns of 50 years earlier, these renewed racial appeals picked up on the same obvious themes of that earlier time: black domination or influence over "moderate" or "liberal" white candidates and the threat of "negro rule" or "black power" by blacks "bloc voting" for black candidates or black-"dominated" candidates. In recent years, as the civil rights movement, culminating in the Civil Rights Act of 1964, completed the eradication of *de jure* segregation, and as overt expressions of racist attitudes became less socially acceptable, these appeals have become more subtle in form and furtive in their dissemination, but they persist to this time.

The record in this case is replete with specific examples of this general pattern of racial appeals in political campaigns. In addition to the crude cartoons and pamphlets of the outright white supremacy campaigning of the 1890's which featured white political opponents in the company of black political leaders, later examples include various campaign materials, unmistakably appealing to the same racial fears and prejudices, that were disseminated during some of the most hotly contested statewide campaigns of the state's recent history: the 1950 campaign for the United States Senate; the 1954 campaign for the United States Senate; the 1960 campaign for Governor; the 1968 campaign for Governor; the 1968 Presidential campaign in North Carolina; the 1972 campaign for the United States Senate; and most recently, in the imminent 1984 campaign for United States Senate.

Numerous other examples of assertedly more subtle forms of "telegraphed" racial appeals in a great number of local and statewide elections, abound in the record. Laying aside the more attenuated forms of arguably racial allusions in some of these, we find that racial appeals in North Carolina political campaigns have for the past thirty years been widespread and persistent.

The contents of these materials reveal an unmistakable intention by their disseminators to exploit existing fears and prejudices and to create new fears and prejudices on the part of white citizens in regard to black citizens and to black citizens' participation in the political processes of the state. The continued dissemination of these materials throughout this period and down to the present time evidences an informed perception by the persons who have disseminated them that they have had their intended effect to a degree warranting their continued use.

On this basis, we find that the historic use of racial appeals in political campaigns in North Carolina persists to the present time and that its effect is presently to lessen to some degree the opportunity of black citizens to participate effectively in the political processes and to elect candidates of their choice.

The Extent of Election of Black Citizens to Public Office

Statewide history. It appears that, with one exception, no black citizen was elected during this century to public office in North Carolina until after World War II. In 1948 and during the early 1950's a few black citizens were elected to various city councils. Twenty years later, in 1970, there were in the state 62 black elected officials. In 1969 a black citizen was elected to the State House of Representatives for the first time since Reconstruction;

in 1975 two blacks were elected, for the first time to the Senate. From 1970 to 1975 the number of black elected officials increased from 62 to over 200 statewide; in 1982, that number had increased to 255.

At present the number of elected black officials remains quite low in relation to total black population, which is 22.4% of the state total. Black citizens hold 9% of the city council seats (in cities of over 500 population); 7.3% of county commission seats; 4% of sheriff's offices; and 1% of the offices of Clerk of Superior Court. There are 19 black mayors, 13 of whom are in majority black municipalities. Of the black city council members, approximately 40% are from majority black municipalities or election districts. Three black judges have been elected in statewide elections to seats to which they had been appointed by the Governor. Other than these judges, no black has yet been elected during this century to any statewide office or to the Congress of the United States as a representative of this state.

Between 1971 and 1982 there have been, at any given time, between two and four black members of the North Carolina House of Representatives out of a total of 120 — between 1.6% and 3.3%. From 1975 to 1983 there have been, at any given time, either one or two black members of the State Senate out of a total of 50 — between 2% and 4%. Most recently, in 1982, after this action was filed, 11 black citizens were elected to the State House of Representatives. Six of those 11 were elected from multi-member districts in which blacks constituted a voting minority (including 5 of those challenged); 5 were elected from newly created majority black districts.

Historically, in those multi-member districts where some blacks have succeeded in being elected, overall black candidacies have been significantly less successful than white candidacies. Black candidates who, between 1970 and 1982, won in Democratic primaries in the six multi-member districts under challenge here were three times as likely to lose in the general election as were their white Democratic counterparts, a fact of statistical significance in assessing the continued effect of race in those elections.

In the Challenged Multi-Member Districts

House District 36 (Mecklenburg County); Senate District 22 (Mecklenburg/Cabarrus Counties).

In this century one black citizen has been elected to the State House of Representatives and one black citizen has been elected to the State Senate from Mecklenburg County. The House member was elected as one of an eight-member delegation in 1982, after this lawsuit was commenced. Seven other black citizens had previously run unsuccessfully for a House seat. The Senate member served as one of a 4-member delegation from Mecklenburg and Cabarrus Counties from 1975 to 1980. Since then two black citizens have run unsuccessfully and no black now serves on the Senate delegation.

Since World War II, blacks who now constitute 31% of the city's population, have been elected to the City Council of Charlotte, but never in numbers remotely proportional to their percentage of the city's population. During the period 1945 to 1975, when the council was elected all at-large, blacks constituted 5.4% of its membership. From 1977-1981, when the council was elected partially at-large and partially by districts, blacks won 28.6% of the district seats compared with 16.7% of the at-large seats, though more ran for the latter than the former.

One black citizen has been elected (three times) and defeated one time for membership on the five-member County Board of Commissioners, and presently serves. Two black citizens have been elected and now serve on the nine-member County Board of Education.

Following trial of this action, a black citizen was elected mayor of the city of Charlotte, running as a Democrat against a white Republican. The successful black candidate, a widely-respected architect, received approximately 38% of the white vote.

House District No. 39 (part of Forsyth County).

Before 1974 black citizens had been elected to the City Council of Winston-Salem, but to no other public office. In 1974 and again in 1976 a black citizen was elected to the House of Representatives as one of a five-member delegation. In 1978 and 1980 other black citizens ran unsuccessfully for the House. In 1982, after this litigation was commenced, two black citizens were elected to the House.

No black citizen has been elected to the Senate from Forsyth County.

Since 1974, a black citizen has been elected, twice failed to be reelected, then succeeded in being reelected to one of eight seats on the otherwise all-white Board of Education; and another has been elected, failed to be reelected, then succeeded in being reelected to one of five seats on the otherwise all-white Board of County Commissioners.

House District No. 23 (Durham County).

Since 1973 a black citizen has been elected each two-year term to the State House. No black citizen has been elected to the Senate. Since 1969, blacks have been elected to the Board of County Commissioners, and three of twelve Durham City Council members are blacks elected in at-large elections. The City of Durham is 47% black in population.

House District No. 21 (Wake County).

A black citizen has been twice elected to the State House five-member delegation from this district and is presently serving. Another black citizen was elected for two terms to the State Senate, serving from 1975 to 1978.

A black citizen has been twice elected Sheriff of Wake County and is presently in that office. Another black citizen, who lives in an affluent white neighborhood, has served since 1972 as the only black on the seven-member County Board of Commissioners. Another black citizen, elected from a majority black district, serves as the only black on the nine-member County School Board. Another black citizen served one term as mayor of the City of Raleigh from 1973 to 1975, and still another serves on the Raleigh City Council.

House District No. 8 (Edgecombe, Nash, Wilson Counties).

There has never been a black member of the State House or Senate from the area covered by this district. There had never been a black member of the Board of County Commissioners of any of the three counties until 1982 when two blacks were elected to the five-member Board in Edgecombe County, in which blacks constitute 43% of the registered voters. In Wilson County, where the black population is 36.5% of the total, one of nine members of the County Board of Education is black. In the City of Wilson, which is over 40% black in population, one of six city councilmen is black.

Senate District No. 2 (Northampton, Hertford, Gates, Bertie, Chowan, and parts of Washington, Martin, Halifax and Edgecombe Counties).

No black person has ever been elected to the State Senate from any of the area covered by the district. In the last four years, black candidates have won three elections for the State House from areas within the borders of this district, one in 1980 in a majority-white multi-member district, two in 1982 in different majority-black districts. In Gates County, where 49% of the registered voters are black, a black citizen has been elected and

presently serves as Clerk of Court. In Halifax County, black citizens have run unsuccessfully for the Board of County Commissioners and for the City Council of Roanoke Rapids.

Looking only to these basic historical facts respecting black citizens' election to public office, we draw the following inferences. Thirty-five years after the first successful candidacies for public office by black citizens in this century, it has now become possible for black citizens to be elected to office at all levels of state government in North Carolina. The chances of a black candidate's being elected are better where the candidacy is in a majority-black constituency, where the candidacy is in a single-member rather than a multi-member or at-large district, where it is for local rather than statewide office, and where the black candidate is a member of the political party currently in the ascendancy with voters. Relative to white candidates running for the same office at whatever level, black candidates remain at a disadvantage in terms of relative probability of success. The overall results achieved to date at all levels of elective office are minimal in relation to the percentage of blacks in the total population. There are intimations from recent history, particularly from the 1982 elections, that a more substantial breakthrough of success could be imminent — but there were enough obviously aberrational aspects present in the most recent elections to make that a matter of sheer speculation.²⁷ In any event, the success that has been achieved by black candidates to date is, standing alone, too minimal in total numbers and too recent in relation to the long history of complete denial of any elective opportunities to compel or even arguably to support an ultimate finding that a black candidate's race is no longer a significant adverse factor in the political processes of the state — either generally or specifically in the areas of the challenged districts.

Racial Polarization in Voting

Statistical evidence presented by duly qualified expert witnesses for plaintiffs, supplemented to some degree by direct testimony of lay witnesses, establishes, and we find, that within all the challenged districts racially polarized voting exists in a persistent and severe degree.

Multi-Member Districts

To analyze the existence and extent of any racially polarized voting in the challenged multi-member districts, Dr. Bernard Grofman, a duly qualified expert witness for plaintiffs, had collected and studied data from 53 sets of recent election returns involving black candidacies in all of the challenged multi-member districts.²⁸ Based upon two complementary methods of analysis of the collected data,²⁹ Grofman gave as his opinion, and we find, that in each of the elections analyzed racial polarization did exist and that the degree revealed in every election analyzed was statistically significant, in the sense that the probability of its occurring by chance was less than one in 100,000;³⁰ and that in all but two of the elections the degree revealed was so marked as to be substantively significant, in the sense that the results of the individual election would have been different depending upon whether it had been held among only the white voters or only the black voters in the election.³¹

Additional facts revealed by this data support the ultimate finding that severe (substantively significant) racial polarization existed in the multi-member district elections considered as a whole.³² In none of the elections, primary or general, did a black candidate receive a majority of white votes cast. On the average, 81.7% of white voters did not vote for any black candidate in the primary elections. In the general elections, white voters almost always ranked black candidates either last or next to last in the multi-candidate field except in heavily Democratic areas; in these latter, white voters consistently ranked

black candidates last among Democrats if not last or next to last among all candidates. In fact, approximately two-thirds of white voters did not vote for black candidates in general elections even after the candidate had won the Democratic primary and the only choice was to vote for a Republican or no one. Black incumbency alleviated the general level of polarization revealed, but it did not eliminate it. Some black incumbents were reelected, but none received a majority of white votes even when the election was essentially uncontested. Republican voters were more disposed to vote for white Democrats than to vote for black Democrats. The racial polarization revealed, of course, runs both ways, but it was much more disadvantageous to black voters than to white. Aside from the basic population and registered voter majority advantages had by white voters in any racially polarized setting, fewer white voters voted for black candidates than did black voters for white candidates. In these elections, a significant segment of the white voters would not vote for any black candidate, but few black voters would not vote for any white candidate. One revealed consequence of this disadvantage is that to have a chance of success in electing candidates of their choice in these districts, black voters must rely extensively on single-shot voting, thereby forfeiting by practical necessity their right to vote for a full slate of candidates.

The racial polarization revealed in the multi-member elections considered as a whole exists in each of the challenged districts considered separately, as indicated by the following specific findings related to elections within each district.

House District No. 36 and Senate District No. 22 (Mecklenburg and Cabarrus Counties).

In elections in House District No. 36 (Mecklenburg County) between 1980 and 1982, the following percentages of black and white voters voted for the black candidates indicated:

	Primary		General	
	White	Black	White	Black
1980 (Maxwell)	22	71	28	92
1982 (Berry)	50	79	42	92
1982 (Richardson)	39	71	29	88

In elections in Senate District No. 22 (Mecklenburg and Cabarrus Counties) between 1978 and 1982, the following percentages of white and black voters voted for the black candidates indicated:

	Primary		General	
	White	Black	White	Black
1978 (Alexander)	47	87	41	94
1980 (Alexander)	23	78	n/a	n/a
1982 (Polk)	32	83	33	94

The fact that candidate Berry received votes from one half of the white voters in the primary does not alter the conclusion that there is substantial racially polarized voting in Mecklenburg County in primaries. There were only seven white candidates for eight positions in the primary and one black candidate had to be elected. Berry, the incumbent chairman of the Board of Education, ranked first among black voters but seventh among whites.

The only other black candidate who approached receiving as many as half of the white votes was Fred Alexander, running in the 1978 Senate Primary as an incumbent. Alexander ranked last among white voters in the primary and would have been defeated if the election had been held only among the white voters.

Approximately 60% of the white voters voted for neither Berry nor Alexander in the general election.

House District No. 39 (Forsyth County).

In House and Senate elections in Forsyth County from 1978-1982 the following percentages of white and black voters voted for the black candidates indicated:

	Primary		General	
	White	Black	White	Black
1978 House —				
Kennedy, H.	28	76	32	93
Norman	8	29	n/a	n/a
Ross	17	53	n/a	n/a
Sumter (Repub.)	n/a	n/a	33	25
1980 House —				
Kennedy, A.	40	86	32	96
Norman	18	36	n/a	n/a
1980 Senate —				
Small	12	61	n/a	n/a
1982 House —				
Hauser	25	80	42	87
Kennedy, A.	36	87	46	94

As revealed by this data, no black candidate, whether successful or not, has received more than 40% of the white votes cast in a primary, and no black candidate has received more than 46% of the white votes cast in a general election during the last four elections.

Though black candidates Kennedy and Hauser won the House election in 1982, this does not alter the conclusion that substantial racial polarization of voting continued through that election. White voters ranked Kennedy and Hauser seventh and eighth, respectively, out of eight candidates in the general election. In contrast black voters ranked them first and second respectively.

House District No. 23 (Durham County).

In House and Senate Elections from 1978 through 1982, the following percentages of white and black voters voted for the black candidates indicated:

	Primary		General	
	White	Black	White	Black
1978 Senate —				
Barns (Repub.)	n/a	n/a	17	5
1978 House —				
Clement	10	89	n/a	n/a
Spaulding	16	92	37	89
1980 House —				
Spaulding	n/a	n/a	49	90
1982 House —				
Clement	26	32	n/a	n/a
Spaulding	37	90	43	89

Black candidate Spaulding ran uncontested in the general election in 1978 and in the primary and general election in 1980. In the 1982 election there was no Republican

opposition and the general election was, for all practical purposes, unopposed. A majority of white voters failed to vote for the black candidate in the general election in each of these years even when they had no other choice. Furthermore, in the 1982 primary, there were only two white candidates for three seats so that one black necessarily had to win. Even in this situation, 63% of white voters did not vote for the black incumbent, the clear choice of the black voters. At least 37% of white voters voted for no black candidate even when one was certain to be elected.

House District No. 21 (Wake County).

In elections for the North Carolina House of Representatives from 1978 through 1982 the following percentages of white and black voters voted for the black candidate indicated:

	Primary		General	
	White	Black	White	Black
1978 (Blue)	21	76	n/a	n/a
1980 (Blue)	31	81	44	90
1982 (Blue)	39	82	45	91

The fact that black candidate Blue won election in the last two of these candidacies does not alter the conclusion that substantial racial polarization in voting persists in this district. In Wake County winning the Democratic primary is historically tantamount to election. Nevertheless, in these elections from 60% to 80% of white voters did not vote for the black candidate in the primary compared to 76% and 80% of black voters who did.

Wake County is overwhelmingly Democratic in registration and normally votes along party lines. Nonetheless, 55% of white voters did not vote for the black Democrat in the general election.

House District No. 8 (Wilson, Nash, Edgecombe Counties).

In county-wide or district-wide elections from 1976 through 1982 in House District No. 8 and Wilson, Edgecombe and Nash Counties, the following percentages of white and black voters voted for the black candidates indicated:

	Primary		General	
	White	Black	White	Black
House District No. 8				
1982 House - Carter	4	66		
Wilson County				
1982 Congress - 1st Primary - Michaux	6	96		
- 2nd Primary - Michaux	7	97		
1976 County Commission - Jones	32	77		
Edgecombe County				
1982 Congress - 1st Primary - Michaux	2	84		
- 2nd Primary - Michaux	3	97		
1982 County Commission - Green	0	14		
- McClain	0	27		
- Thorn	4	75	38	91
- Walker	2	82	36	94

Nash County

1982 Congress – 1st Primary	6	73
– 2nd Primary	6	81
1982 County Commission – Summer	9	82

With one exception, over this period more than 90% of the white voters have failed to vote for the black candidate in every primary in each of these three counties. The one time, in 1982, that black Democratic candidates have run in a general election, they failed to receive over 60% of the white vote even though Edgecombe County is overwhelmingly (88.5%) Democratic.

This data reveals racial polarization of voting in House District No. 8 so extreme that, all other factors aside, no black has any chance of winning election in the district as it is presently constituted. This conclusion, as expressed in evidence by plaintiffs' expert witness, was not seriously challenged by defendants.

Single-Member District**Senate District No. 2.**

Essentially unchallenged and unrebutted opinion evidence given by plaintiffs' expert witness, Dr. Grofman, and testimonial evidence of experienced local political observers and black community leaders establishes that severe and persistent racial polarization in voting exists in the area covered by the challenged single-member Senate District No. 2.

Based on these evidentiary findings with respect to racial polarization in voting, we find that in each of the challenged districts racial polarization in voting presently exists to a substantial or severe degree, and that in each district it presently operates to minimize the voting strength of black voters.

Other Factors Bearing Upon the Claim of Racial Vote Dilution**Increased participation by black citizens in the political process.**

The court finds that in recent years there has been a measurable increase in the ability and willingness of black citizens to participate in the state's political processes and in its government at state and local levels. The present state administration has appointed a significant number of black citizens to judicial and executive positions in state government, and evidences a good faith determination further to open the political processes to black citizens by that means. In some areas of the state, including some of those directly involved in this litigation, there is increased willingness on the part of influential white politicians openly to draw black citizens into political coalitions and openly to support their candidacies. Indeed, among the witnesses for the state were respected and influential political figures who themselves fit that description.

The court has considered what this implies for the plaintiffs' claim of present racial vote dilution — of a present lack of equal opportunity by black citizens relative to white citizens to participate in the political process and to elect candidates of their choice. Our conclusion is that though this wholesome development is undoubtedly underway and will presumably continue, it has not proceeded to the point of overcoming still entrenched racial vote polarization, and indeed has apparently done little to diminish the level of that single most powerful factor in causing racial vote dilution. The participatory level of black citizens is still minimal in relation to the overall black population, and, quite understandably, is largely confined to the relatively few forerunners who have achieved professional status or otherwise emerged from the generally depressed socio-economic status which,

as we have found on the record produced in this case, remains the present lot of the great bulk of black citizens.

Divisions within the black community.

Not all black citizens in North Carolina, notwithstanding that the class technically certified in this action includes all who are registered to vote, share the same views about the present reality of racial vote dilution in the challenged districts (or presumably elsewhere), nor about the appropriate solution to any dilution that may exist.

Several black citizens testified in this action, as witnesses for the state, to this effect, identifying their own views as opposed to those advanced by plaintiffs' witnesses. In terms of their experience, achievement and general credibility as witnesses, the views of these defendant-witnesses were clearly as deserving of acceptance by the court as were those of the black citizens who, in larger numbers, testified as witnesses for the plaintiffs.

Two facts appeared, however, to the court. The first is that the views expressed by defendants' witnesses went almost exclusively to the desirability of the remedy sought by plaintiffs, and not to the present existence of a condition of vote dilution. The other fact is that the defendants' witnesses' views must be accounted, on the record adduced in this case, a distinct minority viewpoint within the plaintiff class as certified. The division between the two elements is essentially one of proper political ends and means to break free of racial vote dilution as a present condition, and not of the present existence of that condition. Only if a dissident element were so large as to draw in question the very existence of an identifiable black community whose "ability to participate" and "freedom to elect candidates of its choice" could rationally be assessed, could the existence of a dissident view have relevance to the establishment of a racial vote dilution claim. That clearly is not the circumstance here, on the record made in this action. As earlier indicated, the further political question of the proper means to eradicate such racial vote dilution as might be shown presently to exist has been decided by Congress and does not properly figure in our judicial inquiry. See Part II, *supra*.

Fairness of the state legislative policy underlying the challenged redistricting.

Under amended § 2 it presumably remains relevant to consider whether race-neutral and compelling state policies might justify a redistricting plan that concededly, or at least arguably, "results" *prima facie* in racial vote dilution. The Senate Report, discussing the continued relevance of the "tenuous state policy" inquiry as one of the incorporated **Zimmer** factors that evolved in **White v. Regester** dilution jurisprudence, indicates as much, though "tenuousness" as a gauge of **intent** is obviously no longer relevant under § 2's "result-only" test.

If the procedure markedly departs from past practices or from practices elsewhere in the jurisdiction, that bears on the fairness of its impact. But even a consistently applied practice premised on a racially neutral policy would not negate a plaintiff's showing through other factors that the challenged practice denies minorities fair access to the process.

S. Rep. No. 97-417, *supra* note 10, at 29 & n. 117. See also **Major v. Treen**, *supra*, slip op. 67-74 (analyzing state redistricting policy in terms of fairness).

The parties in this litigation have addressed the point under the "tenuous state policy" rubric, and we will assume the inquiry's continued relevance under a "results"-only test. On this basis, we are persuaded that no state policy, either as demonstrably employed by the legislature in its deliberations, or as now asserted by the state in litigation, could "negate a showing" here that actual vote dilution results from the challenged district plan.

During the legislative deliberations on the redistricting plan, the legislature was well aware of the possibility that its plan could result under then applicable federal law in impermissible dilution of black citizens' voting strength if concentrations of black voters were intentionally "submerged" in multi-member districts or "fractured" into separate districts. That fact was brought to its attention by special counsel, by black citizens' groups concerned with the problem, and by various legislators who proposed plans specifically designed to avoid any possibility of impermissibly diluting black citizens' votes in these ways. The specific dilution problems presented by the black voter concentrations in the challenged districts in this litigation were known to and discussed in legislative deliberations.

The basic policy justification advanced by the state in this litigation for the legislature's declination to create single-member districts to avoid submerging concentrations of black voters in the challenged multi-member districts was the maintenance of an historical, functionally sound tradition of using whole counties as the irreversible "building blocks" of legislative districting. Although the state adduced fairly persuasive evidence that the "whole-county" policy was well established historically, had legitimate functional purposes, and was in its origins completely without racial implications, that all became largely irrelevant as matters developed in this particular legislative redistricting plan. At the time of its final enactment, the state policy — though compelled — was that counties **might** be split. When the Attorney General declined to give preclearance to the state constitutional prohibition of county divisions in redistricting, the state acquiesced and, indeed, divided counties thereafter both in non-covered as well as covered counties in the final redistricting plan. See note 3, *supra*. To the extent the policy thereafter was to split counties only when necessary to meet population deviation requirements or to obtain § 5 preclearance of particular districts — and this is what the record demonstrates — such a policy obviously could not be drawn upon to justify, under a fairness test, districting which results in racial vote dilution.

The same findings apply, though with added force, to Senate District No. 2. There, of course, in the final plan counties were split; indeed four were split in the face of a proposed plan which would have yielded an effective black-majority single-member district which only involved splitting two counties. Other policy considerations that were plainly shown to have influenced the legislature in its final drawing of Senate District No. 2 lines were the protection of incumbents and, in the words of one legislator-witness in this action, swallowing the "smallest of three pills" offered by the Justice Department in preclearance negotiations respecting the lowest permissible size of the black population concentration in the district. Obviously, neither of these policies could serve to outweigh a racial dilution result.

The final policy consideration suggested by the state is the avoidance of race-conscious gerrymandering. While there may be some final constitutional constraint here, cf. *Karcher v. Daggett*, ___ U.S. ___, ___, 51 U.S.L.W. 4853, 4860 (U.S. June 22, 1983) (Stevens, J., Concurring), we find that it is not approached here by the available means of avoiding submergence or fragmentation of any of the black voter concentrations at issue. The most serious problem is that posed by the configuration of the black voter concentration in House District No. 8, comprised of Wilson, Nash and Edgecombe Counties. The configuration of the single-member district specifically suggested by the plaintiffs as a viable one is obviously not a model of aesthetic tidiness. But given the evidence, not challenged by defendants, that in the present multi-member district the black population, 39.5% of the total, simply cannot hope ever to elect a candidate of its choice, aesthetics, as opposed to compactness and commonality of interests, cannot be accorded primacy. See *Carstens v. Lamm*, *supra*; *Skolnick v. State Electoral Board*, 336 F. Supp. 839, 843 (N.D. Ill. 1971) (three-judge court) (even compactness not a fundamental requirement).

Ultimate Findings of Fact

1. Considered in conjunction with the totality of relevant circumstances found by the court — the lingering effects of seventy years of official discrimination against black citizens in matters touching registration and voting, substantial to severe racial polarization in voting, the effects of thirty years of persistent racial appeals in political campaigns relatively depressed socio-economic status resulting in significant degree from a century of *de jure* and *de facto* segregation, and the continuing effect of a majority vote requirement — the creation of each of the multi-member districts challenged in this action results in the black registered voters of that district being submerged as a voting minority in the district and thereby having less opportunity than do other members of the electorate to participate in the political process and to elect representatives of their choice.

2. Considered in conjunction with the same circumstances, the creation of single-member Senate District No. 2 results in the black registered voters in an area covered by Senate Districts Nos. 2 and 6 having their voting strength diluted by fracturing their concentration into two districts in each of which they are a voting minority and in consequence have less opportunity than do other members of the electorate to participate in the political process and to elect representatives of their choice.³³

IV

CONCLUSIONS OF LAW

1. The court has jurisdiction of the parties and of the subject matter of the action under 28 U.S.C. §§ 1331, 1343, and 42 U.S.C. § 1973c.

2. The court is properly convened as a three-judge court under 28 U.S.C. § 2284(a).

3. The action has been properly certified as a class action on behalf of all black residents of North Carolina who are registered to vote. No challenge is made to the propriety of the class action under any of the criteria of the governing class action rule, Rule 23, Fed. R. Civ. P.

4. Of the challenged districts, only House District No. 8 (Wilson, Edgecombe and Nash) and Senate District No. 2 include counties that are covered under § 4(a) of the Voting Rights Act and for which preclearance is required under § 5 of the Act, 42 U.S.C. § 1973c.

The Attorney General's indication on April 27, 1982, that, so far as it affected covered counties, he would interpose no objection under § 5 to the legislative enactment of the redistricting plan which, *inter alia*, created House District No. 8 and Senate District No. 2, does not have the effect of precluding this claim by plaintiffs brought under amended § 2 to challenge the redistricting plan in respect of these two districts. 42 U.S.C. § 1973c; **Major v. Treen**, *supra*, slip op. at 200 n.1; **United States v. East Baton Rouge Parish School Board**, 594 F. 2d 56, 59 n.9 (5th Cir. 1979); see also **Morris v. Gressette**, 432 U.S. 491, 506-07 (1977). Because the standards by which the Attorney General assesses voting changes under § 5 are different from those by which judicial claims under § 2 are to be assessed by the judiciary, see S. Rep. No. 97-417, *supra* note 10, at 68, 138-39, and because the former are applied in a non-adversarial administrative proceeding, the Attorney General's preclearance determination has no issue preclusive (collateral estoppel) effect in this action. See Restatement (Second) Judgments §§ 27 comment c; 83(2) & (3) (1980).

5. The meaning and intended application of amended § 2 of the Voting Rights Act in relation to the claims at issue in this action are as stated in Part II of this Memorandum Opinion.

6. On the basis of this court's ultimate findings of fact, the plaintiffs have established that the creation by the General Assembly of North Carolina of multi-member House Districts Nos. 8, 21, 23, 36 and 39, multi-member Senate District No. 22, and single-member Senate District No. 2 will, as applied, result in an abridgement of their voting rights, as members of a class protected by subsection (a) of amended § 2 of the Voting Rights Act, in violation of that section.

7. The plaintiffs are entitled to appropriate relief from the violation.

V REMEDY

Having determined that the state's redistricting plans, in the respects challenged, are not in compliance with the mandate of amended § 2 of the Voting Rights Act, the court will enter an order delaring the redistricting plan violative of § 2 in those respects, and enjoining the defendants from conducting elections pursuant to the plan in its present form.

In deference to the primary jurisdiction of state legislatures over legislative reapportionment, **White v. Weiser**, 412 U.S. 783, 795 (1973), we will defer further action to allow the General Assembly of North Carolina an opportunity to exercise that jurisdiction in an effort to comply with § 2 in the respects required. This is especially appropriate where, as here, the General Assembly adopted the plan found violative of § 2 before the enactment of the amended version of that statute which now applies, and where there has accordingly been no previous legislative opportunity to assess the amended statute's substantial new requirements for affirmatively avoiding racial vote dilution rather than merely avoiding its intentional imposition.

Having determined that the present plan violates a secured voting right, our obligation remains, however, to provide affirmative judicial relief if needed to insure compliance by the state with its duty to construct districts that do not dilute the voting strength of the plaintiff class in the ways here found, or in other ways. See **In re: Illinois Congressional Districts Reapportionment Cases**, No. 81 C 1395, slip op. (N.D. Ill. 1981), **aff'd mem. sub nom., Ryan v. Otto**, 454 U.S. 1130 (1982); **Rybicki v. State Board of Elections**, No. 81 C 6030 (N.D. Ill. Jan. 12, 1982); **Kirksey v. Board of Supervisors**, 554 F. 2d 139 (5th Cir.), **cert. denied**, 434 U.S. 968 (1977).

Recognizing the difficulties posed for the state by the imminence of 1984 primary elections, the court will convene at any time, upon request of the state, to consider and promptly to rule upon any redistricting plan that has been enacted by the State in an effort to comply with the mandates of § 2 and with this decision. Failing legislative action having that effect within a reasonable time under the circumstances, not later than March 16, 1984, the court will discharge its obligation to develop and implement an appropriate remedial plan.

An appropriate order will issue.

FOOTNOTES

¹ For consistency and convenience we use the term "redistricting" throughout as a more technically, as well as descriptively, accurate one than the terms "apportionment" or "reapportionment" sometimes used by the parties herein to refer to the specific legislative action under challenge here. See **Carstens v. Lamm**, 543 F. Supp. 68, 72 n.3 (D. Col. 1982).

² The original complaint also included challenges to population deviations in the redistricting plan allegedly violative of one-person-one-vote principles, and to congressional redistricting plans being contemporaneously enacted by the state's General Assembly. Both of these challenges were dropped by amended or supplemental pleadings responsive to the evolving course of legislative action, leaving only the state legislature "vote dilution" claims for resolution.

³ The final plan's division of counties in areas of the state not covered by Section 5 was challenged by voters in one such county on the basis that the division violated the state's 1968 constitutional prohibition. The claim was that in non-covered counties of the state the constitutional prohibition remained in force, notwithstanding its suspension in covered counties by virtue of the Attorney General's objection. In **Cavanagh v. Brock**, No. 82-545-CIV-5 (E.D.N.C. Sept. 22, 1983), which at one time was consolidated with the instant action, this court rejected that challenge, holding that as a matter of state law the constitutional provisions were not severable, so that their effective partial suspension under federal law resulted in their complete suspension throughout the state.

⁴ At one stage in these proceedings another action challenging the redistricting plan for impermissible dilution of the voting strength of black voters was consolidated with the instant action. In **Pugh v. Hunt**, No. 81-1066-CIV-5, also decided this day, we earlier entered an order of deconsolidation and permitted the black plaintiffs in that action to intervene as individual and representative plaintiffs in the instant action.

⁵ Former Section 2, enacted pursuant to Congress's constitutional enforcement powers, provided simply:

No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in Section 1973b(f) (2) of this title.

42 U.S.C. § 1973 (1976).

⁶ It is not now perfectly clear — but neither is it of direct consequence here — whether a majority of the Supreme Court considers that a racial vote dilution claim, as well as a direct vote denial claim, lies under the fifteenth amendment and, in consequence, lay under former Section 2. See **Rogers v. Lodge**, 458 U.S. 613, 619 n.16 (1982). It is well settled, however, that such claims lie under the fourteenth amendment, though only upon proof of intent as well as effect. See **City of Mobile v. Bolden**, 446 U.S. 55 (1980).

⁷ H.R. 3112, amending Section 2 and extending the Voting Rights Act of 1965, was passed by the House on October 15, 1981. On June 18, 1982, the Senate adopted a different version, S. 992, reported out of its Committee on the Judiciary. The House unanimously adopted the Senate bill on June 23, 1982, and it was signed into law by the President on June 29, 1982. There was no intervening conference committee action.

⁸ Of course, the direct claims under the fourteenth (and possibly the fifteenth) amendment remain, and could be established under **Bolden** by proof of a dilutive effect intentionally inflicted. But no authoritative decision has suggested that proof **alone** of an unrealized discriminatory intent to dilute would suffice. A dilutive effect remains an essential element of constitutional as well as Section 2 claims. See **Hartman, Racial Vote Dilution and Separation of Powers: An Exploration of the Conflict Between the Judicial "Intent" and the Legislative "Results" Standards**, 50 Geo. W.L. Rev. 689, 737-38 n.318 (1982). Neither is there any suggestion that the remedy for an unconstitutional intentional dilution should be any more favorable than the remedy for a

Section 2 “result” violation. Whether evidence of discriminatory intent might nevertheless have limited relevance in establishing a Section 2 “results” claim is another matter.

⁹ There have, however, been a few lower federal court decisions interpreting and applying amended Section 2 to state and local electoral plans. All generally support the interpretation we give the statute in ensuing discussion. See **Major v. Treen** Civil Action No. 82-1192 Section C (E.D. La. Sept. 23, 1983) (three-judge court); **Rybicki v. State Board of Elections**, No. 81-C-6030 (N.D. Ill. Jan. 20, 1983) (three-judge court); **Thomasville Branch of NAACP v. Thomas County**, Civil Action No. 75-34-THOM (M.D. Ga. Jan. 26, 1983); **Jones v. City of Lubbock**, Civil Action No. CA-5-76-34 (N.D. Tex. Jan. 20, 1983); **Taylor v. Haywood County**, 544 F. Supp. 1122 (W.D. Tenn. 1982) (on grant of preliminary injunction).

¹⁰ Senator Dole, sponsor of the compromise Senate version ultimately enacted as Section 2, stated that one of his “key objectives” in offering it was to

make it unequivocally clear that plaintiffs may base a violation of Section 2 on a showing of discriminatory “results”, in which case proof of discriminatory intent or purpose would be neither required, nor relevant. I was convinced of the inappropriateness of an “intent standard” as the sole means of establishing a voting rights claim, as were the majority of my colleagues on the Committee.

S. Rep. No. 417, 97th Cong., 2d Sess. 193 (1982) (additional views of Sen. Dole) (hereinafter S. Rep. No. 97-417).

¹¹ Congressional opponents of amended Section 2 contended in debate that **White v. Regester** did not actually apply a “results only” test, but that, properly interpreted, it required, and by implication found, intent also proven. The right or wrong of that debate is essentially beside the point for our purposes. We seek only Congressional intent, which clearly was to adopt a “results only” standard by codifying a decision unmistakably assumed — whether or not erroneously — to have embodied that standard. See Hartman, **Racial Vote Dilution**, *supra* note 8, at 725-26 & n.236.

¹² See S. Rep. No. 97-417, *supra* note 10, at 32 (“[T]he legislative intent [is] to incorporate [**White v. Regester**] and extensive case law . . . which developed around it.”) See also *id.* at 19-23 (**Bolden** characterized as a “marked departure from [the] prior law” of vote dilution as applied in **White v. Regester**, **Zimmer v. McKeithen**, and a number of other cited federal decisions following **White v. Regester**).

¹³ This we consider to be the limit of the intended meaning of the disclaimer in amended Section 2 that “nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.” 42 U.S.C § 1973.

¹⁴ Both Senate and House Committee Reports assert a purpose to forestall further purposeful discrimination that might evade remedy under the stringent intent-plus-effects test of **Bolden** and to eradicate existing or new mechanisms that perpetuate the effects of past discrimination, See S. Rep. 97-417, *supra* note 10, at 40; H.R. Rep. No. 227, 97th Cong., 1st Sess. 31 (1981) (hereinafter H.R. Rep. No. 97-227).

We accept — and it is not challenged in this action by the state defendants — that Congress intended the amendment to apply to litigation pending upon its effective date. See **Major v. Treen**, *supra*, slip op. at 40-41 n.20.

¹⁵ Both the Senate and House Committee reports express an intention that amended Section 2 be regarded as remedial rather than merely redefinitional of existing constitutional voting rights. See S. Rep. No. 97-417, *supra* note 10, at 39-43; H.R. Rep. No. 97-227, *supra* note 14, at 31.

¹⁶ Congressional proponents of amended Section 2 were at pains in debate and committee reports to disclaim any intention or power by Congress to overrule the Supreme Court's constitutional interpretation in **Bolden** only that the relevant constitutional provisions prohibited intentional racial vote dilution, and to assert instead a power comparable to that exercised in the enactment of Section 5 of the Voting Rights Act to provide a judicial remedy for enforcement of the states's affirmative obligations to come into compliance. See, e.g., S. Rep. 97-417, *supra* note 10, at 41 ("Congress cannot alter the judicial interpretations in **Bolden**... [T]he proposal is a proper statutory exercise of Congress' enforcement power...").

No challenge is made in this action to the constitutionality of Section 2 as a valid exercise of Congress's enforcement powers under the fourteenth (and possibly fifteenth) amendment, and we assume constitutionality on that basis. See **Major v. Treen**, *supra*, slip op. 44-61 (upholding constitutionality against direct attack).

¹⁷ See **Voting Rights Act: Hearings Before the Subcomm. on the Constitution of the Senate Comm. on the Judiciary**, 97th Cong., 2d Sess. 542-46 (Feb. 1, 1982) (hereafter **Senate Hearings**) (prepared statement of Professor McManus, pointing to disagreements within black community leadership over relative virtues of local districting plans).

¹⁸ See **Subcommittee on the Constitution of the Senate Committee on the Judiciary**, 97th Cong., 2d Sess., Voting Rights Act, Report on S. 1992, at 42-43 (Comm. Print 1982) (hereafter **Subcommittee Report**), reprinted in S. Rep. No. 97-417, *supra* note 10, 107, 149 (asserting "detrimental consequence of establishing racial polarity in voting where none existed, or was merely episodic, and of establishing race as an accepted factor in the decision-making of elected officials"); **Subcommittee Report**, *supra*, at 45, reprinted in S. Rep. No. 97-417, *supra* note 10, at 150 (asserting that amended Section 2 would aggravate segregated housing patterns by encouraging blacks to remain in safe black legislative districts).

¹⁹ See **Subcommittee Report**, *supra*, note 18, at 43-44, reprinted in S. Rep. No. 97-417, *supra* note 10, at 149-50.

²⁰ See **Senate Hearings**, *supra*, note 17, at 1351-54 (Feb. 12, 1982) (prepared statement of Professor Blumstein); *id.* at 509-10 (Jan. 28, 1982) (prepared statement of Professor Erler), reprinted in S. Rep. No. 97-417, *supra* note 10, at 147; *id.* at 231 (Jan. 27, 1982) (testimony of Professor Berns), reprinted in S. Rep. No. 97-417, *supra* note 10, at 147.

²¹ We need not attempt at this point to define the exact population level at which blacks would constitute an effective (non-diluted) voting majority, either generally or in this area. Defendant's expert witness testified that a general "rule of thumb" for insuring an effective voting majority is 65%. This is the percentage used as a "benchmark" by the Justice Department in administering § 5. Plaintiffs' expert witness opined that a 60% population majority in the area of this district could only be considered a "competitive" one rather than a "safe" one.

On the uncontradicted evidence adduced we find — and need only find for present purposes — that the extant 55.1% black population majority does not constitute an effective voting majority, i.e., does not establish *per se* the absence of racial vote dilution, in this district. See **Kirksey v. Board of Supervisors**, 554 F. 2d 139, 150 (5th Cir. 1977) ("Where... cohesive black voting strength is fragmented among districts, ... the presence of districts with bare **population majorities** not only does not necessarily preclude dilution but... may actually enhance the possibility of continued minority political impotence.").

²² The recent history of white and black voter registration statewide and in the areas of the challenged districts is shown on the following chart.

**Percent of Voting Age
Population Registered to Vote**

	10/78		10/80		10/82	
	White	Black	White	Black	White	Black
Whole State	61.7	43.7	70.1	51.3	66.7	52.7
Mecklenburg	71.3	40.8	73.8	48.4	73.0	50.8
Forsyth	65.8	58.7	76.3	67.7	69.4	64.1
Durham	63.0	39.4	70.7	45.8	66.0	52.9
Wake	61.2	37.5	76.0	48.9	72.2	49.7
Wilson	60.9	36.3	66.9	40.9	64.2	48.0
Edgecombe	63.8	37.9	68.2	50.4	62.7	53.1
Nash	61.2	39.0	72.0	41.2	64.2	43.0
Bertie	75.6	46.0	77.0	54.1	74.6	60.0
Chowan	71.3	44.3	77.4	53.9	74.1	54.0
Gates	80.9	73.5	83.9	77.8	83.6	82.3
Halifax	66.8	40.9	72.0	50.4	67.3	55.3
Hertford	75.6	56.6	81.8	62.5	68.7	58.3
Martin	69.3	49.7	76.9	55.3	71.2	53.3
Northampton	72.4	58.5	77.0	63.9	82.1	73.9
Washington	74.3	62.8	82.2	66.0	75.6	67.4

²³ Section 2 claimants are not required to demonstrate by direct evidence a causal nexus between their relatively depressed socio-economic status and a lessening of their opportunity to participate effectively in the political process. See S. Rep. No. 97-417, *supra* note 10, at 29 n.114. Under incorporated **White v. Regester** jurisprudence, “[i]nequality of access is an inference which flows from the existence of economic and educational inequalities.” **Kirksey v. Board of Supervisors**, 554 F. 2d 139, 145 (5th Cir.), *cert. denied*, 434 U.S. 968 (1977). Independently of any such general presumption incorporated in amended Section 2, we would readily draw the inference from the evidence in this case.

²⁴ There is no suggestion that when originally enacted in 1915, its purpose was racially discriminatory. That point is irrelevant in assessing its present effect, as a continued mechanism, in the totality of circumstances bearing upon plaintiffs’ dilution claim. See Part II, *supra*.

²⁵ See **White v. Regester**, 412, U.S. 775, 766 (1973).

²⁶ See *id.* at 766 n.10.

²⁷ Both parties offered evidence — anecdotal, informed “lay opinion,” and documentary — to establish on the one hand that recent black successes indicated an established breakthrough from any preexisting racial vote dilution and on the other, that those successes are too “haphazard” and aberrational in terms of specific candidacies, issues, and political trends and, in any event, still too minimal in numbers, to support any such ultimate inference. Heavily emphasized with respect to successful black candidacies in 1982 was the fact that in some elections the pendency of this very litigation worked a one-time advantage for black candidates in the form of unusual organized political support by white leaders concerned to forestall single-member districting, and that this cannot be expected to recur. Our finding, as stated in text, reflects our weighing of these conflicting inferences.

²⁸ Included were all the elections for the General Assembly in which there were black candidates in Mecklenburg, Durham, and Forsyth County; elections for the State House of Representatives in Wilson, Edgecombe, and Nash Counties; and elections for the State Senate in Cabarrus County for the election years 1978, 1980, and 1982; county-wide local elections in each of Wilson, Edgecombe and Nash Counties in which there were black candidates. The 53 elections included both primary and general elections and represented at total of 32 different election contests.

²⁹ The two methods employed, both standard in the literature for the analysis of racially polarized voting, were an "extreme case" analysis and an "ecological regression" analysis. The extreme case analysis focuses on voting in racially segregated precincts; the regression analysis uses both racially segregated and racially mixed precincts and provides any corrective needed to reflect the fact that voters in the two types may behave differently. In Dr. Grofman's analysis the results under both methods conformed closely in most cases. The purpose of both methods is simply to determine the extent to which blacks and whites vote differently from each other in relation to the race of candidates.

Defendant's duly qualified expert witness, Dr. Thomas Hofeller, had studied Dr. Grofman's data and the mathematics of his analysis of that data, and heard his live testimony. Aside from two mathematical or typographical errors, Dr. Hofeller did not question the accuracy of the data, its adequacy as a reliable sample for the purpose used, nor that the methods of analysis used were standard in the literature. He questioned the reliability of an extreme case analysis standing alone, but, as indicated, Dr. Grofman's did not stand alone. Dr. Hofeller also questioned Dr. Grofman's failure to make an exact count of voter turn-out by race rather than using estimated figures. The literature makes no such demand of precision in obtaining this figure, and Dr. Grofman's method of estimating is accepted. Dr. Hofeller made no specific suggestion of error in the figures used.

We have accepted the accuracy and reliability of the data collected and the methods of analysis used by Dr. Grofman for the purposes offered. The general reliability of Dr. Grofman's analysis was further confirmed by the testimony of Dr. Theodore Arrington, a duly qualified expert witness for the **Pugh** intervenor-plaintiffs, see, note 4, *supra*. Proceeding by a somewhat different methodology and using different data, Dr. Arrington came to the same general conclusion respecting the extent of racial polarization in the narrower areas of his study.

³⁰ These conclusions were reached by determining the correlation between the voters of one race and the number of voters who voted for a candidate of specified race. In experience, correlations above in absolute value of .5 are relatively rare and correlations above .9 extremely rare. All correlations found by Dr. Grofman in the elections studied had absolute values between .7 and .98, with most above .9. This reflected statistical significance at the .00001 level — probability of chance as explanation for the coincidence of voter's and candidate's race less than one in 100,000. Cf. **Major v. Treen**, *supra*, slip op. 30-32 n.17 (comparable analysis of racial vote polarization by correlation coefficients).

³¹ The two exceptions involved 1982 State House elections in Durham and Wake Counties, respectively, in which black candidates were elected to seats in majority white multi-member districts. Both were incumbents, and in Durham County there were only two white candidates in the race for three seats so that the black candidate had to win. Though each black candidate won, neither received a majority of the white vote cast. These two exceptions did not alter Dr. Grofman's conclusion that, in his terms, racial polarization in the elections analyzed as a whole was substantively significant. Nor do they alter our findings to the same effect.

³² Defendant's expert witness questioned the accuracy of any opinion as to the "substantive" significance of statistically significant racial polarization in voting that did not factor in all of the circumstances that might influence particular votes in a particular election. This flies in the face of the general use, in litigation and in the general social science literature, of correlation analysis as the standard method for determining whether vote dilution in the legal (substantive) sense exists, a use conceded by defendant's expert.

³³ The state challenges the basic premise of this finding with the familiar argument that the relative merits of legislative division of a minority population that is not large enough to form voting majorities in two single-member districts into an effective voting majority in one single-member district and an ineffective minority in another or, on the other hand, dividing it into two substantially influential minorities in two districts is so problematical that neither the one nor the other division can properly be adjudged "dilutive" by a court. See, e.g., *Seamon v. Upham*, 536 F. Supp. 931, 949 (E.D. Tex.) (three-judge court) *rev'd on other grounds*, 456 U.S. 37 (1982); compare *Jordan v. Winter*, 541 F. Supp. 1135, 1143 (N.D. Miss. 1982) (three-judge court), *vacated and remanded for further consideration in light of amended § 2*, 103 S. Ct. 2077 (1983) (legislative preference unchallengeable) with *Kirksey v. Board of Supervisors*, 554 F.2d at 150 (dilution possible even if one of districts has bare black population majority). The specific argument here is that any increase in the present minority population of 55.1% in Senate District No. 2 will be at the expense of the present 49.3% population in Senate District No. 6, the obvious source for District 2 increase.

We are not impressed with the argument. While, the dilemma is a real one, we think it is one that Congress has, in effect, committed to the judgment of the black community to whom it has given the private right of action under amended § 2. The right created is, by definition, that of a "class" and the procedural means of vindicating it by a class action has also been provided by Congress in Fed. R. Civ. P. 23. When, as here, such a class action is brought by a class which includes such a fragmented concentration of black voters, a group judgment about the group's best means of access to the political process must be assumed reflected in the specific claim made by the class. The legitimacy of that group judgment, from the standpoint of members of the class identified, can be put to test by standard procedures: by challenges to the adequacy of representation or the typicality of claims by any members of the identified class who question the wisdom or validity of the class claim under Rule 23(a) (3) & (4), Fed. R. Civ. P., or even by attempted intervention under Rule 24, Fed. R. Civ. P. When, as here, no such challenges are made, a dilution claim made by the class is properly assessed in the terms made, and on the understanding that any judgment entered on its basis will be binding on all members of the class who may not later second-guess it under ordinary principles of claim preclusion, see Restatement (Second) Judgments § 24, comments b, c; § 25 comments f, m; § 41(1) (e), (2), comment e, or, possibly, judicial estoppel, see *Allen v. Zurich Ins. Co.*, 667 F. 2d 1162 (4th Cir. 1982).

If this were not the approach taken, a foolproof means would be provided for irremediable fracturing of any such minority voter concentration. That cannot have been intended by Congress. A different situation of course would be presented if the class of black voters bringing such a dilution-by-fracturing claim included only the voters in one of the districts into which the fracturing had occurred. That is not this case.

FILED — January 27, 1984
J. Rich Leonard, Clerk
U.S. District Court
E. Dist. No. Car.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

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RALPH GINGLES, et al.)	
Plaintiffs,)	
)	
vs.)	No. 81-803-CIV-5
)	
RUFUS L. EDMISTEN, et al.)	
Defendants.)	
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ORDER

For the reasons set forth in the Memorandum Opinion of the court filed this day;

It is ADJUDGED and ORDERED that:

1. Chapters 1 and 2 of the North Carolina Session Laws of the Second Extra Session of 1982 (1982 redistricting plan) are declared to violate section 2 of the Voting Rights Act of 1965, amended June 29, 1982, 42 U.S.C. § 1973, by the creation of the following legislative districts: Senate Districts Nos. 2 and 22, and House of Representatives Districts Nos. 8, 21, 23, 36, and 39.

2. Pending further order of this court, the defendants, their agents and employees, are enjoined from conducting any primary or general elections to elect members of the State Senate or State House of Representatives to represent, *inter alia*, registered black voters resident in any of the areas now included within the legislative districts identified in paragraph 1. of this Order, whether pursuant to the 1982 redistricting plan, or any revised or new plan.

This Order does not purport to enjoin the conduct of any other primary or general elections that the State of North Carolina may see fit to conduct to elect members of the Senate or House of Representatives under the 1982 redistricting plan, or to elect candidates for any other offices than those of the State Senate and House of Representatives. See N.C.G.S. 120-2.1 (1983 Cum. Supp.)

3. Jurisdiction of this court is retained to entertain the submission of a revised legislative districting plan by the defendants, or to enter a further remedial decree, in accordance with the Memorandum Opinion filed today in this action.

4. The award of costs and attorneys fees as prayed by plaintiffs is deferred pending entry of a final judgment, or such earlier date as may be shown required in the interests of justice.

S/ J. DICKSON PHILLIPS, JR.
United States Circuit Judge

S/ W. EARL BRITT, JR.
Chief United States District Judge

S/ FRANKLIN T. DUPREE, JR.
Senior United States District Judge

I certify the foregoing to be a true and correct copy of the original

J. RICH LEONARD, *Clerk*
United States District Court
Eastern District of North Carolina

By — S/ CAROLYN WELLS
Deputy Clerk

NORTH CAROLINA GENERAL ASSEMBLY
 PRESIDENT PRO TEMPORE
 SENATE
 RALEIGH 27611
 February 2, 1984

MEMORANDUM

TO: Members of the North Carolina Senate
 FROM: W. Craig Lawing, President Pro Tempore

I hope that all of you have by now had an opportunity to review the Opinion of the three judge United States District Court panel with respect to the reapportionment decision. I would also hope that you have studied our Staff's summary of the decision which was mailed to you on January 30, 1984.

Over the last several days I have discussed the impact of this decision with numerous Members of the Senate, with our Staff, with the Attorney General's Office and with Lieutenant Governor Green. As you know, we are mandated to take some action by March 16, 1984, and because of the importance of this decision and its effect on the May 8th Primary, I have attempted to determine the best course of action for the State to follow based upon my discussions and talks with more than a majority of the Senate Members. I have concluded that it is the consensus of most Members that it would be in the best interest of the people of this State and of the General Assembly to attempt to obtain a stay of the Court's Order at this time, and in the event that we are not able to obtain a stay by March 1, 1984, that we reconvene in special session for the purpose of reapportioning those districts that are affected by the Court's Order. I am advised by the Attorney General's Office that in order to petition for a stay that it is necessary to file Notice of Appeal.

Based upon this advice and my discussions with a majority of the Senate Members, I have requested the Attorney General to give Notice of Appeal and to petition for a stay of the Court's Order at the earliest possible time. I believe this will enable the General Assembly to properly carry out its role in reapportioning legislative districts in compliance with the Constitution and with the Voting Rights Act.

It is my understanding that the identical action outlined above has been taken by the House and Speaker Ramsey has joined in my request to the Attorney General's Office to perfect the appeal and to petition for the stay.

I am advised by the Attorney General's Office and our Legal Staff that the Primary Elections in all Senate districts not mentioned in the Order may proceed as scheduled. The Senate districts mentioned in the Order are Numbers 2 and 22.

I know that you feel as I do that the American System works by Majority rule. I sincerely hope that this meets with your approval.

- cc: Lt. Governor James C. Green
- Speaker Liston Ramsey
- Mr. Alex Brock
- Mr. Gerry Cohen
- Mr. Terry Sullivan
- Mr. James Wallace

FILED — February 9, 1984
 J. Rich Leonard, Clerk
 U.S. District Court
 E. Dist. No. Car.

**UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NORTH CAROLINA
 RALEIGH DIVISION**

RALPH GINGLES, et al,)	
Plaintiffs,)	
)	No. 81-803-CIV-5
v.)	
)	
RUFUS L. EDMISTEN, et al,)	
Defendants.)	

ORDER

From the order of this Court dated 27 January 1984 granting injunctive relief defendants have given notice of appeal to the Supreme Court of the United States. Contemporaneously therewith defendants moved the Court to stay the order and injunction pending appeal pursuant to Rule 62 of the Federal Rules of Civil Procedure. After fully considering the memorandum of law filed by defendants and the memorandum in opposition to the motion filed by plaintiffs, it is the unanimous decision of the Court that the motion for a stay should be and the same is hereby denied.

This 9 February 1984.

FOR THE COURT
 S/ W. EARL BRITT
United States District Judge

I certify the foregoing to be a true and correct copy of the original.

J. RICH LEONARD, *Clerk*
United States District Court
Eastern District of North Carolina

By — S/ JOYCE W. TODD
Deputy Clerk

OFFICE OF THE CLERK
 SUPREME COURT OF THE UNITED STATES
 WASHINGTON, D. C. 20543
 February 27, 1984

Jerris Leonard, Esq.
 900 Seventeenth Street, N. W.
 Suite 1020
 Washington, DC 20006

RE: Rufus Edmisten, et al. v. Ralph Gingles, et al.
 No. A-653

Dear Mr. Leonard:

Your application for stay in the above-entitled case has been presented to the Chief Justice, who has endorsed thereon the following:

“Denied
 2/24/84
 W.E.B.”

Very truly yours,
 ALEXANDER L. STEVAS, *Clerk*
 By — S/ KATHERINE DOWNS
Assistant Clerk

cc: Leslie J. Winner, Esq.

STATE OF NORTH CAROLINA
 OFFICE OF THE LIEUTENANT GOVERNOR
 RALEIGH
 February 27, 1984

The Honorable Marshall A. Rauch
 6048 South York Road
 Gastonia, North Carolina 28052

Dear Marshall:

In light of the recent Supreme Court ruling, I am today appointing the following Committee on Senate Redistricting and asking that you serve as Chairman:

Rauch, Chairman
Allsbrook, Vice Chairman
Duncan, Vice Chairman

Allred
Ballenger
Barnes, H.
Daniels
Davis
Edwards, E.
Gray
Guy
Hardison
Harrington

Hipps
Jenkins
Jordan
Kincaid
Lawing
Parnell
Royall
Soles
Speed
Staton

Swain
Tally
Thomas, J.
Thomas, R.
Walker
Ward
Warren
White
Wright

I hope it will be possible for the committee to meet on Thursday, March 1, to consider alternative plans developed by the legislative staff.

With warmest personal regards.

Sincerely,
S/ JAMES C. GREEN

cc: The Honorable Liston Ramsey
Mr. George Hall
Mr. Terry Sullivan
Mrs. Sylvia M. Fink
All committee members

STATE OF NORTH CAROLINA
OFFICE OF THE LIEUTENANT GOVERNOR
RALEIGH
February 27, 1984

The Honorable William N. Martin
P.O. Box 21325
Greensboro, NC 27420

Dear Bill:

In light of the recent Supreme Court ruling, I am today appointing the following Committee on Senate Redistricting and asking that you serve.

Rauch, Chairman
Allsbrook, Vice Chairman
Duncan, Vice Chairman

Allred
Ballenger
Barnes, H.
Daniels
Davis
Edwards, E.

Hipps
Jenkins
Jordan
Kincaid
Lawing
Martin

Staton
Swain
Tally
Thomas, J.
Thomas, R.
Walker

Gray	Parnell	Ward
Guy	Royall	Warren
Hardison	Soles	White
Harrington	Speed	Wright

I hope it will be possible for the committee to meet on Thursday, March 1, to consider alternative plans developed by the legislative staff.

With warmest personal regards.

Sincerely,
S/ JAMES C. GREEN

cc: The Honorable Liston Ramsey
The Honorable Marshall Rauch
Mr. George Hall
Mr. Terry Sullivan
Mrs. Sylvia M. Fink
All committee members

**NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE SERVICES OFFICE
2129 STATE LEGISLATIVE BUILDING
RALEIGH 27611
March 1, 1984**

The Honorable James B. Hunt, Jr.
Governor of North Carolina
State Capitol
Raleigh, North Carolina 27611

Dear Governor Hunt:

We request that you call, by and with advice of the Council of State, an extra session of the General Assembly to convene on Wednesday, March 7, 1984, at 10:00 A.M., for the purposes of considering and acting upon legislation concerning the apportionment of the North Carolina House of Representatives and the North Carolina Senate and technical and conforming changes in the election laws and the primary election schedule.

Sincerely,
S/ LISTON B. RAMSEY
*Speaker of the House
of Representatives*

S/ JAMES C. GREEN
President of the Senate

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C. 20543
March 5, 1984

Jerris Leonard, Esq.
900 Seventeenth Street, NW
Suite 1020
Washington, DC 20006

RE: Rufus Edmisten, et al. v. Ralph Gingles, et al.
No. A-653

Dear Mr. Leonard:

The Court today entered the following order in the above-entitled case:

"The application to stay the mandate of the United States District Court for the Eastern District of North Carolina pending appeal addressed to Justice Powell and referred to the Court is denied. Justice Marshall took no part in the consideration or decision of this order."

Very truly yours,
ALEXANDER L. STEVAS, *Clerk*
By — S/ FRANCIS J. LORSON
Chief Deputy Clerk

cc: Leslie J. Winner, Esq.
Clerk, U.S. District Court for
the Eastern District of North Carolina
(your No. 81-803-CIV-5)
Robert N. Hunter, Jr., Esq.

FILED — March 19, 1984
J. Rich Leonard, Clerk
U.S. District Court
E. Dist. No. Car.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

_____)
RALPH GINGLES, et al.,)
) Plaintiffs,)
))
) v.)
))
RUFUS L. EDMISTEN, et al.,)
) Defendants.)
_____)

No. 81-803-CIV-5

ORDER

Obedient to this Court's order of 27 January 1984, defendants have submitted to the Court the details of newly enacted legislative districts and moved the Court's approval thereof. Plaintiffs have responded opposing the approval of certain of the new districts.

Plaintiffs have also moved for leave to take depositions of legislators and legislative staff members and for an evidentiary hearing. These motions are denied. The Court will make a determination on compliance from the record now before it.

This 19 March 1984.

FOR THE COURT
S/ W. EARL BRITT
United States District Judge

(certification illegible)
S/ J. RONALD JAMES, JR.

INDEX

RATIFIED BILLS AND RESOLUTION

Session Laws

Chapter	Bill No.	Page
1	HB 2	12.
2	HB 3	12.
3	HB 4	12.
4	SB 2	12.
5	SB 1	13.
6	HB 1	14.
7	HB 6	14.

Resolution

Resolution	Res. No.	Page
1	HJR 5	14.

NUMERICAL INDEX

Senate

Bill/Resolution	Page
SB 1 Senate Districts 1, 2, 6, 9, 10, 11, and 14 (Ch. 5)	7, 8, 10, 11, 13.
SB 2 Senate District 22 (Ch. 4)	7, 8, 10, 12.

House of Representatives

HB 1 House Districts 21, 23, 36, 39 (Ch. 6)	8, 9, 10, 12, 13, 14.
HB 2 House District 8 (Ch. 1)	9, 10, 12.
HB 3 Primary Elections for Reapportioned Districts (Ch. 2)	9, 10, 12.
HB 4 Ballot Reporting of Transferred Voters (Ch. 3)	9, 10, 12.
HJR 5 Adjournment Sine Die/March 1984 Extra Session (Res. 1)	9, 13, 14.
HB 6 Effective Date for Chapter 6 (Ch. 7)	14.

ALPHABETICAL INDEX

Absence

Leave Granted

Alford, Senator Dallas 6, 11.
 Allsbrook, Senator Julian..... 6.
 Edwards, Senator James H..... 11.
 Harris, Senator Ollie..... 6, 11.
 Jordan, Senator Robert B. 11.
 Marvin, Senator Helen..... 11.
 Soles, Senator R. C..... 11.
 Thomas, Senator Joseph E..... 6.
 Tison, Senator Benjamin T. 6.
 Walker, Senator Russell 11.
 Wright, Senator Julian A. "Chip" 6, 11.

Presence Recorded

Allsbrook, Senator Julian..... 11.
 Thomas, Senator Joseph E..... 11.
 Tison, Senator Benjamin T. 8.

Adjournment, Sine Die (H 5) (Res. 1) 9, 13, 14, 15.

Appendix 17.

Ballot — see Election Laws

Barnes, Henson P.—Senator—8th District

Conference Committee—H 1..... 11, 13.

Convening..... 5, 56.

Districts

Reapportioned

House of Representatives

House District 8 (H 2) (Ch. 1) 9, 10, 12.
 House Districts 21, 23, 36, 39 (H 1) (Ch. 6)..... 8, 9, 10, 12, 13, 14.

Senate

Senate Districts 1, 2, 6, 9, 10, 11, 14 (S 1) (Ch. 5)..... 7, 8, 10, 11, 13.
 Senate District 22 (S 2) (Ch. 4) 7, 8, 10, 12.

Senatorial

All Districts 3, 18.

Effective Date, HB 1, Chapter 6 (H 6) (Ch. 7) 14.

Election Laws

Ballot Reporting of Transferred Voters (H 4) (Ch. 3)..... 9, 10, 12.
 Primary Elections/Reapportioned Districts (H 3) (Ch. 2)..... 9, 10, 12.

General Assembly

House of Representatives

Business Concluded..... 14.
 Organized 7.

Senate

Business Concluded..... 14.

Committees

Standing/Select (Redistricting)—

Appointment/Meetings 6, 7, 8, 9, 11, 54.
 Conference—HB 1/House Districts 21, 23, 36, 39 10, 12, 13.

Officers..... 3.

Organized 7.

General Assembly (continued)

Senate (continued)

Pledge of Allegiance	5.
Prayer	
Dr. J. C. Harris	3.
Senator Marvin Ward	11.
President—Lieutenant Governor James C. Green	
Appointments	6, 7, 11, 54.
Presides	6, 8, 9, 11.
Relinquishes Gavel	12.
Quorum	6.
Recess	8, 9, 13.
Rules	6.
Green, James C. —Lieutenant Governor (President of the Senate)— see General Assembly (Senate President)	
Hancock, William G., Jr. —Senator—13th District	
Conference Committee—H 1.	11, 13.
Hardison, Harold W. —Senator—5th District	
Conference Committee—H 1.	11, 13.
Hips, Charles W. —Senator—29th District	
Adjournment Motion (Second)	14.
Jenkins, Cecil R. —Senator—22nd District	
Co-Sponsor—S 2	7.
Kincaid, Donald R. —Senator—27th District	
Vote Recorded—H 1.	9.
Lawing, W. Craig —Senator (President Pro Tempore)—22nd District	
Adjournment Motion	11.
Journal Approval Motion	11.
Memorandum to Membership	52.
Presides	12, 13, 15.
Primary Sponsor—S 2	7.
Opinion/Orders —U.S. Courts	20, 51, 53, 57, 58.
Primary —see Election Laws	
Proclamation by Governor	6.
Reapportionment —see Districts	
Redistricting Committee —see General Assembly (Senate Committees)	
Rauch, Marshall A. —Senator—25th District	
Primary Sponsor—S 1	7.
Royall, Kenneth C., Jr. —Senator—13th District	
Adjournment Motion	14, 15.
Conference Committee—H 1.	11, 13.
Swain, Robert S. —Senator—28th District	
Adjournment Motion (Second)	11.
Conference Committee—H 1.	11, 13.
Tison, Benjamin T. —Senator—22nd District	
Vote Recorded—S 1 and S 2.	8.

JOURNAL
OF THE
SENATE
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA

SECOND SESSION
1984

**OFFICERS AND MEMBERS
OF
THE SENATE OF NORTH CAROLINA
1983 GENERAL ASSEMBLY
SECOND SESSION — 1984**

JAMES C. GREEN, President	Clarkton
W. CRAIG LAWING, President Pro Tempore	Charlotte
KENNETH C. ROYALL, JR., Majority Leader	Durham
SYLVIA M. FINK, Principal Clerk	Raleigh
LEROY CLARK, JR., Reading Clerk	Wendell
GERDA B. PLEASANTS, Sergeant-at-Arms	Cary

DISTRICT	NAME OF SENATOR	ADDRESS
1	MELVIN R. DANIELS	Elizabeth City
2	J. J. HARRINGTON	Lewiston
3	JOSEPH E. THOMAS	Vanceboro
4	A. D. GUY	Jacksonville
5	HAROLD W. HARDISON	Deep Run
6	JULIAN R. ALLSBROOK ¹	Roanoke Rapids
	PHILLIP W. TAYLOR ²	Littleton
7	J. A. WRIGHT	Wilmington
8	HENSON P. BARNES	Goldsboro
9	VERNON E. WHITE	Winterville
10	DALLAS L. ALFORD, JR.	Rocky Mount
11	JAMES D. SPEED	Louisburg
12	ANTHONY E. RAND	Fayetteville
	LURA TALLY	Fayetteville
13	KENNETH C. ROYALL, JR.	Durham
	WILLIAM G. HANCOCK, JR.	Durham
14	JOSEPH E. JOHNSON	Raleigh
	WILMA C. WOODARD	Garner
	WILLIAM W. STATON	Sanford
15	ROBERT D. WARREN	Benson
16	WANDA HUNT	Pinehurst
	RUSSELL WALKER	Asheboro
17	ROBERT B. JORDAN III.	Mt. Gilead
	AARON W. PLYLER	Monroe
18	R. C. SOLES, JR.	Tabor City
19	ELTON EDWARDS	Greensboro
20	RICHARD W. BARNES	Winston-Salem
	MARVIN WARD	Winston-Salem
21	CARY ALLRED	Burlington
22	CECIL ROSS JENKINS, JR.	Kannapolis
	W. CRAIG LAWING	Charlotte
	KENNETH R. HARRIS	Charlotte
	BENJAMIN T. TISON	Charlotte
23	JACK CHILDERS	Lexington
	ROBERT M. DAVIS	Salisbury
24	CONRAD R. DUNCAN, JR.	Stoneville
	GEORGE W. MARION, JR.	Dobson
25	OLLIE HARRIS	Kings Mountain
	HELEN RHYNE MARVIN	Gastonia
	MARSHALL A. RAUCH	Gastonia
26	T. CASS BALLENGER	Hickory
	WILLIAM W. REDMAN, JR.	Statesville
27	JAMES H. EDWARDS	Hickory
	DONALD R. KINCAID	Lenoir
28	ROBERT S. SWAIN	Asheville
	DENNIS WINNER	Asheville
29	CHARLES W. HIPPS	Waynesville
	R. P. THOMAS	Hendersonville
30	DAVID RUSSELL PARNELL	Parkton
31	WILLIAM N. MARTIN	Greensboro
32	RACHEL G. GRAY	High Point

¹Died May 15, 1984

²Appointed June 7, 1984

SENATE JOURNAL

SECOND SESSION 1984

ONE HUNDRED THIRTY-EIGHTH DAY

SENATE CHAMBER,
Thursday, June 7, 1984.

The Senate meets pursuant to adjournment, as provided in Resolution 55, and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God; Creator of justice, mercy and truth; as we gather here today we pray that You will fill the minds and hearts of the members of this Legislature with a hunger and a thirst for justice. Remind us all of our human frailties and limitations. Send us Your Spirit to inspire us, even as You inspired Your servants Moses, David and Jesus. Help the women and men of this Senate fulfill the potential for goodness and truth which You have given to each of us: that they may lead this State in paths of justice and abundance for all the people. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday, July 22, 1983, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Childers for June 7 - 15, Barnes of Forsyth for today and tomorrow, and Soles, indefinitely, for medical reasons.

The President directs the Reading Clerk to read the following document relative to the appointment of Dr. Phillip W. Taylor to fill the vacancy created by the death of Senator Julian R. Allsbrook on May 15, 1984.

STATE OF NORTH CAROLINA

James B. Hunt, Jr.
Governor

WHEREAS, the Honorable Julian R. Allsbrook, elected Senator of the 6th Senatorial District, 1983 General Assembly, is now deceased, and

WHEREAS, the provision of General Statutes 163-11 requires that the vacancy created by the death of the Honorable Julian R. Allsbrook be filled by appointment of the person selected by the District Executive Committee of the Democratic Party of the 6th Senatorial District, and

WHEREAS, the Executive Committee of the Democratic Party of the 6th Senatorial District has notified me of the selection of Phillip W. Taylor, Littleton, North Carolina, to fill said vacancy,

June 7, 1984

I do by these presents appoint
PHILLIP W. TAYLOR
 as a member of the
NORTH CAROLINA SENATE
 1983 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 7th day of June, in the year of our Lord, One Thousand Nine Hundred Eighty-Four.

S/ THAD EURE
Secretary of State

S/ JAMES B. HUNT, JR.
Governor of North Carolina
 (SEAL)

The President directs the Senator-appointee to approach the dais where he takes and subscribes to the following oath of office, which is administered by the Honorable James C. Green.

OATH OF OFFICE OF PHILLIP W. TAYLOR

"I, Phillip W. Taylor, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly and sincerely swear that I will faithfully discharge the duties of Senator of the Senate of the 1983 North Carolina General Assembly according to the best of my skill and ability, according to law; so help me, God."

Oath administered June 7, 1984.

Sworn to and subscribed before me
 this 7th day of June, 1984.

S/ JAMES C. GREEN
Lieutenant Governor

COMMITTEE APPOINTMENTS

The President appoints Senator Phillip W. Taylor to serve on the following Standing Committees: **Judiciary I, Vice Chairman; Public Utilities and Energy, Appropriations, Appropriations/General Government; Base Budget, Human Resources, Rules and Operation of the Senate, Ways and Means.**

The President appoints Senator Jenkins to serve as Chairman of **Judiciary I** due to the vacancy created by the death of Senator Allsbrook.

INTRODUCTION OF BILLS AND RESOLUTIONS

Without objection, the Chair declares Rule 40 relative to the filing of bills for introduction suspended for today.

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

June 7, 1984

By Senators White, Alford, Allred, Barnes of Wayne, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Harris of Mecklenburg, Harris of Cleveland, Jenkins, Johnson, Jordan, Kincaid, Lawing, Martin, Marvin, Parnell, Rand, Royall, Speed, Swain, Tally, Taylor, Thomas of Craven, Tison, Walker, Ward, Warren, Winner and Woodard:

S. J. R. 702, a joint resolution honoring the life and memory of Senator Julian R. Allsbrook.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Hardison and Royall:

S. B. 703, a bill to modify current operations and capital improvements appropriations for North Carolina State Government for the 1984-85 Fiscal Year and to make other changes in the budget operation of the State.

Referred to **Appropriations Committee**.

By Senator Daniels:

S. B. 704, a bill to schedule the nonpartisan municipal election in the City of Elizabeth City for Mayor and for members of the City Council not conducted in 1983 due to delay caused by submissions to the United States Department of Justice.

On motion of Senator Daniels, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senator Hipps:

S. J. R. 705, a joint resolution authorizing consideration of a bill validating sanitary district actions.

Referred to **Special Ways and Means Committee**.

By Senator Edwards of Caldwell:

S. B. 706, a bill to permit interstate banking in North Carolina on a reciprocal basis.

Referred to **Special Ways and Means Committee**.

By Senators Edwards of Caldwell and Kincaid:

S. B. 707, a bill to appropriate funds for the restoration of the North Carolina monument at the Battlefield of Gettysburg, Pennsylvania.

Referred to **Appropriations Committee**.

By Senator Edwards of Caldwell:

S. B. 708, a bill to appropriate funds for a Burke County Forestry Headquarters.

Referred to **Appropriations Committee**.

By Senator Duncan:

S. B. 709, a bill regarding the transfer of the Stoneville School District to the Madison-Mayodan City School Administrative Unit; providing for the continued employment of career teachers presently employed by the Rockingham County School Administrative Unit and assigned to the Stoneville School District; changing the name of the "Madison-Mayodan City School Administrative Unit" to the "Western Rockingham City School

Administrative Unit;" changing the name of the "Madison-Mayodan City Board of Education" to the "Western Rockingham City Board of Education;" providing for the election of members of the Western Rockingham City Board of Education; establishing the term of office of the members of the Western Rockingham City Board of Education.

On motion of Senator Duncan, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 1405, a bill to allow a court to reform interests in property that violate the rule against perpetuities, as amended, with pending amendment No. 2.

On motion of Senator Johnson, consideration of the bill is postponed until Tuesday, June 12.

The President recognizes the following pages serving in the Senate this week: Millie Eubanks, Kinston; Robert Kinsey, La Grange; Barbara Ann Hawkins, Beaufort; Whitney King, Ash; Jim Parrot, Raleigh; Amy Rosenburg, Cherryville; Patrick Allen, Kernersville; Anthony Ross, Reidsville; Natalie Turner, Kings Mountain; Sheldon Adams, Black Mountain; and Lawrence Moore, Durham.

The President directs the Reading Clerk to read the following letter:

North Carolina House of Representatives
Liston B. Ramsey, Speaker
Raleigh 27611

May 25, 1984

The Honorable James C. Green
Lieutenant Governor of North Carolina
Legislative Office Building
Raleigh, North Carolina 27611

Dear Lieutenant Governor Green:

I am pleased to invite you and the Members of the North Carolina Senate to sit in Joint Session on Thursday, June 7, 1984, at 12:30 P.M. in the Chambers of the North Carolina House of Representatives to receive the budgetary message of The Honorable James B. Hunt, Jr., Governor of North Carolina.

Sincerely yours,
S/ LISTON B. RAMSEY

On motion of Senator Lawing, the Senate accepts the invitation issued by the President, and on his further motion, the message of the Governor is ordered printed in the Appendix of the Journal. The President appoints the following members of the Senate to escort the Governor: Senators Harris of Cleveland, Chairman; Daniels, Swain and White.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
June 6, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to invitation issued to the Senate, the House of Representatives stands ready to receive the Senate in Joint Session to hear the budgetary message of the Governor.

The Speaker appoints Representatives Barbee, Fenner, Matthews, and Mavretic as escorts to greet and escort the Governor to the Joint Session.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House, there to meet with that Honorable Body for the purpose of receiving the Governor's budgetary message.

Upon motion of Senator Lawing, seconded by Senator Rauch, the Senate recesses to meet with the House of Representatives for the purpose of receiving the Governor's budgetary message and upon adjournment of the Joint Meeting, to stand adjourned to meet tomorrow at 10:00 A.M.

JOINT MEETING

The Senate is received by the members of the House of Representatives standing, and the Joint Meeting is called to Order by the Honorable James C. Green, Lieutenant Governor.

The President of the Senate extends courtesies of the floor to the family and friends of Governor James B. Hunt, Jr.

The President of the Senate recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of His Excellency, Governor James B. Hunt, Jr.

The President of the Senate presents Governor Hunt, who delivers the budgetary address. (Pursuant to motion offered by Senator Lawing, the text of the address appears in the Appendix.)

On motion of Senator Lawing, the Joint Meeting is adjourned, and pursuant to motion heretofore made, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED THIRTY-NINTH DAY

SENATE CHAMBER,
Friday, June 8, 1984.

The Senate meets pursuant to adjournment, and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"It seems that we just got here, Lord, and it's time to go home. However, we are thankful for times of rest and refreshment, and for the cycles of life that keep us from becoming bored or overtired. Help us to use the weekend ahead for activities and thoughtful meditation that we renew and refresh us for another week of work. As we take care of our own minds and bodies, help us to keep in our hearts and minds our sisters and brothers for whom work is not meaningful. Help us to work toward that day when all Your people can engage in the kind of work that not only rewards their pocketbooks, but nurtures their soul as well. Now bless and keep us in the days ahead for the work You have called us to do. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Thomas of Craven for today.

Leaves of absence granted previously to Senators Barnes of Forsyth, Childers and Soles are noted.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Rauch, Harris of Cleveland, and Marvin:

S. B. 710, a bill to appropriate funds for a Regional Emergency Services Occupational Training Center at Gaston College.

Referred to **Appropriations Committee**.

By Senator Davis:

S. B. 711, a bill to appropriate funds for the purchase, emergency stabilization and pre-development planning for the endangered Historic Salisbury Railroad Station.

Referred to **Appropriations Committee**.

By Senator Davis:

S. B. 712, a bill to provide for attachment or garnishment for ambulance liens in Rowan County.

On motion of Senator Davis, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senators Harris of Cleveland, Alford, and Thomas of Craven:

S. J. R. 713, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to allow the Department of Transportation to include a municipal street as part of the right-of-way when improving a State highway.

Referred to **Special Ways and Means Committee**.

By Senators Tally, Gray, Harris of Cleveland, Marvin, Rand, Ward, and Woodard:

S. B. 714, a bill to appropriate funds to increase the level of the grants-in-aid to the private child-caring institutions.

Referred to **Appropriations Committee**.

On motion of Senator Lawing, seconded by Senator Harris of Cleveland the Senate adjourns to meet Monday at 8:00 P.M.

ONE HUNDRED FORTIETH DAY

SENATE CHAMBER,
Monday, June 11, 1984.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Father, we thank You for times of rest such as the weekend we have enjoyed, and pray that as we begin a new week of work You will continue to lead, guide and direct the men and women of this Senate in the work which You have called them to do. Father, we confess to You that often we lose our way when seeking to find Your paths because we do not open ourselves to Your leadership and light. Help us to submit our wills to Yours, seeking not to prove how brilliant we can be; but allowing ourselves to become a channel for the wisdom, the goodness, the mercy that flow from Your Being."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Lawing for today.

Leaves of absence granted previously to Senators Childers and Soles are noted.

The President grants courtesies of the floor to Joe B. Raynor, former Senator from Cumberland County.

The President recognizes the following pages serving in the Senate this week: Sheldon Marc Adams, Black Mountain; Patrick Martin Allen, Kernersville; Jennifer Ann Beam, Raleigh; Thomas Edward Beaman, Wilson; Margo Carr, Raleigh; Melissa S. Clark, Brevard; Hallock Marie Cooper, Morehead; Nicole Dailey, Raleigh; Christopher Denning, Raleigh; Millie Eubanks, Kinston; Barbara Ann Hawkins, Beaufort; Ross Jenkins, Kannapolis; Whitney King, Ash; Robert Earl Kinsey, La Grange; Lawrence Carlton

Moore III, Durham; Lee Anthony Morgan, Raleigh; James Marion Parrott, Raleigh; Katherine Charlene Pysher, Raleigh; Amy Rosenberg, Cherryville; Tony Ross, Reidsville; George Rouse III, Raleigh; Michael Wayne Russell, Butner; David J. Sullivan, Princeton; Billy Sumner, Kannapolis; Ruth Daniel Tanner, Washington; Marybeth Torbet, Charlotte and Natalie Elizabeth Turner, Kings Mountain.

COMMITTEE APPOINTMENT

The President announces the following committee appointment:

SPECIAL WAYS AND MEANS COMMITTEE: Senator Conrad Duncan is added as a member.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 704, an act to schedule the nonpartisan municipal election in the City of Elizabeth City for Mayor and for members of the City Council not conducted in 1983 due to delay caused by submissions to the United States Department of Justice. (Ch. 930)

S. B. 709, an act regarding the transfer of the Stoneville School District to the Madison-Mayodan City School Administrative Unit; providing for the continued employment of career teachers presently employed by the Rockingham County School Administrative Unit and assigned to the Stoneville School District; changing the name of the "Madison-Mayodan City School Administrative Unit" to the "Western Rockingham City School Administrative Unit;" changing the name of the "Madison-Mayodan City Board of Education" to the "Western Rockingham City Board of Education;" providing for the election of members of the Western Rockingham City Board of Education; establishing the term of office of the members of the Western Rockingham City Board of Education. (Ch. 931)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Alford, Daniels, Guy, Harrington, Harris of Cleveland, Parnell, Speed, Taylor, Thomas of Craven, and White:

S. B. 715, a bill to appropriate funds for the Eastern North Carolina School for the Deaf in Wilson.

Referred to **Appropriations Committee**.

By Senators Thomas of Henderson and Hipps:

S. B. 716, a bill to appropriate funds for the North Carolina State University Mountain Horticultural Crops Research Station and Extension Center at Fletcher, North Carolina.

Referred to **Appropriations Committee**.

By Senators Thomas of Henderson, Hipps, and Marion:

S. R. 717, a Senate resolution to honor the Fiftieth Anniversary of the Great Smoky

Mountains National Park, and honoring Franklin D. Roosevelt for his role in establishing the Park.

On motion of Senator Thomas of Henderson, the rules are suspended (electronically recorded) and the Senate Resolution is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Henderson, the Senate Resolution is adopted (electronically recorded). (The text of this Resolution appears in the Appendix.)

By Senators Thomas of Henderson and Hips:

S. B. 718, a bill making appropriations to the North Carolina Apple Festival.
Referred to **Appropriations Committee**.

By Senators Harris of Cleveland, Rauch, and Marvin:

S. B. 719, a bill to establish the term of office for school board members for Kings Mountain City Schools as four years.

On motion of Senator Harris of Cleveland, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senators Harris of Cleveland, Marvin, and Rauch:

S. B. 720, a bill to provide funds for the Cleveland County Adult Developmental Activity Program.

Referred to **Appropriations Committee**.

By Senator Kincaid:

S. J. R. 721, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to change the method of determining the sales price of a motor vehicle in a casual sale.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Ballenger:

S. B. 722, a bill to appropriate funds to continue restoration of the Murray's Mill Complex in Catawba County.

Referred to **Appropriations Committee**.

By Senator Jenkins:

S. B. 723, a bill to provide for the central filing of security interests in crops.
Referred to **Special Ways and Means Committee**.

By Senators Ward, Royall, Hardison, and Harris of Cleveland:

S. B. 724, a bill to effect several provisions to improve the quality, reduce the overall costs and provide insurance coverage for the treatment of chemical dependency.

Referred to **Appropriations Committee**.

By Senators Marvin, Rauch, and Harris of Cleveland:

S. B. 725, a bill to amend the Gastonia Firemen's Supplementary Pension Fund.
Referred to **Pensions and Retirement Committee**.

By Senators Staton, Edwards of Caldwell, and Swain:

S. B. 726, a bill to change the method of determining the sales price of a motor vehicle in a casual sale and eliminate the requirement that the sales price of a motor vehicle in a casual sale be based on the book value of the vehicle.

Referred to **Finance Committee**.

By Senators Johnson, Hancock, Royall, Staton, Winner, and Woodard:

S. R. 727, a Senate resolution urging the United States Olympic Committee to hold the National Sports Festival in North Carolina in either 1986 or 1987.

On motion of Senator Woodard, the rules are suspended (electronically recorded) and the Senate Resolution is placed before the Senate for immediate consideration.

On motion of Senator Woodard, the Senate Resolution is adopted (electronically recorded). (The text of this Resolution appears in the Appendix.)

On motion of Senator Royall, seconded by Senator Duncan, the Senate adjourns to meet tomorrow at 11:00 A.M.

ONE HUNDRED FORTY-FIRST DAY

SENATE CHAMBER,
Tuesday, June 12, 1984.

The Senate meets pursuant to adjournment, and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God of Peace: You created us for life together on this planet, forming one man and woman from whom all others have sprung. Related to each other by both blood and the Spirit, we still find that sharing common roots does not keep us from fighting. Like children quarrelling over their toys, we contend with each other for earth, water and sky. Help us, Father, to become mature in our dealings with each other. Help us to put aside differences based on race, religion, nationhood and economics. Grant us the wisdom to recognize that which is unique in each person; to celebrate the diversity which gives meaning and pattern to life; and to spend our time working together for the common good of all people rather than seeking to advance our own fortunes and the expense of sisters and brothers. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Hancock for today.

Leaves of absence granted previously to Senators Childers and Soles are noted.

The President grants courtesies of the gallery to Hugh Sandlin, former member of the House of Representatives.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Special Ways and Means Committee**:

S. J. R. 713, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to allow the Department of Transportation to include a municipal street as part of the right-of-way when improving a State highway, with a favorable report.

On motion of Senator Swain, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 385 (Committee Substitute), a bill authorizing a court to order procurement of a proper license, with an unfavorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Winner and Hipps:

S. B. 728, a bill to reduce the fee rate for administration of estates.
Referred to **Finance Committee**.

By Senators Jenkins, Edwards of Caldwell, Edwards of Guilford, and Guy:

S. B. 729, a bill to appropriate funds to the office of the Secretary of State to implement a system for the central filing of security interests in certain farm products.

Referred to **Appropriations Committee**.

By Senators Hunt, Barnes of Wayne, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Harrington, Hipps, Johnson, Jordan, Marion, Martin, Rand, Rauch, Royall, Staton, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, and Woodard:

S. J. R. 730, a joint resolution urging that women and racial minority citizens be appointed to State boards, commissions, and councils in numbers proportionate to their population in the State.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 1405, a bill to allow a court to reform interests in property that violate the rule against perpetuities, as amended, with pending amendment No. 2.

On motion of Senator Staton, Amendment No. 2 is withdrawn.

Senator Johnson offers Amendment No. 3, which is adopted (electronically recorded).

On motion of Senator Barnes of Wayne, seconded by Senator Johnson, the bill, as amended, is tabled (electronically recorded).

On motion of Senator Lawing, seconded by Senator Taylor, the Senate adjourns to meet tomorrow at 12:00 M.

ONE HUNDRED FORTY-SECOND DAY

SENATE CHAMBER,
Wednesday, June 13, 1984.

The Senate meets pursuant to adjournment, and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

“God of mercy: In mercy You spread good gifts before us; more than we need or deserve. You feed, heal, teach and save us. Help us to respond to Your goodness by sharing the bounty of Your love with sisters and brothers who are in need. Remind us daily that You have taught us that whom much is given, much shall be expected. May the richness of our abundance not be an occasion for indulgence in our every whim, but teach us to use what You have given us for the good of Your creation. Especially we ask the blessing of Your Spirit upon the men and women of this Senate as they seek to find and do Your will. As You give them wisdom, courage, insight, and a yearning for justice, help them to use these gifts for the good of the people — seeking not their own reward, but rejoicing when others are blessed. Amen.”

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Leaves of absence granted previously to Senators Soles and Childers are noted. Senator Duncan is noted present for a portion of today's session.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Rauch and Hunt:

S. B. 731, a bill to provide an additional tax exemption for parents of individuals with cystic fibrosis.

Referred to **Finance Committee**.

By Senator Parnell:

S. B. 732, a bill to revise the Charter of the Town of Orrum.

On motion of Senator Parnell, the rules are suspended (electronically recorded) and the bill is placed on the Calendar for tomorrow, upon second reading.

By Senators Rauch, Duncan, Edwards of Guilford, Gray, Guy, Harris of Mecklenburg, Harris of Cleveland, Marvin, Tison, Walker, Warren, and Wright:

S. B. 733, a bill to create a State General Fund Bond Sinking Fund for the purpose of retiring the principal and interest of State General Fund bonds and to provide the necessary moneys therefor.

Referred to **Finance Committee**.

By Senators Thomas of Craven and Swain:

S. B. 734, a bill to create the North Carolina Hazardous Waste Treatment Commission.

Referred to **Special Ways and Means Committee**.

RE-REFERRALS

H. B. 385 (Committee Substitute), a bill authorizing a court to order procurement of a proper license.

On motion of Senator Royall the Committee Substitute bill is removed from the table (electronically recorded) and recommitted to the **Special Ways and Means Committee**.

H. B. 790, a bill to permit enforcement of alimony judgments while on appeal.

Without objection, the bill is taken from the **Judiciary II Committee** and re-referred to the **Special Ways and Means Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Special Ways and Means Committee**:

S. J. R. 705, a joint resolution authorizing consideration of a bill validating sanitary district actions, with a favorable report.

On motion of Senator Lawing, seconded by Senator White, the Senate adjourns to meet tomorrow at 12:00 M.

ONE HUNDRED FORTY-THIRD DAY

SENATE CHAMBER,
Thursday, June 14, 1984.

The Senate meets pursuant to adjournment, and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by John D. McLeod, Jr., General Secretary of the Presbyterian Synod of North Carolina, as follows:

"Creator God, Whose presence is known in our moral sensitivity, let there be in this assembly today the awareness of justice and of injustice, of power and of weakness, of

truth and of falsehood, of fairness and of ill-treatment, so that Your people here may have the wisdom to distinguish the things that differ and choose the things that are right.

"To this we commit ourselves and ask Your continuing help. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harris of Mecklenburg, Allred, and Wright for today and to Senators Guy, Ballenger, Wright, and Harris of Mecklenburg for tomorrow.

Leaves of absence granted previously to Senators Soles and Childers are noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Special Ways and Means Committee**:

S. B. 723, a bill to provide for the central filing of security interests in crops, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Parnell:

S. B. 735, a bill to amend the Charter of the City of Lumberton relating to uptown development projects.

On motion of Senator Parnell, the rules are suspended (electronically recorded) and the bill is placed on the Calendar for tomorrow, upon second reading.

By Senator Hipps:

S. B. 736, a bill to appropriate funds for the Great Smoky Mountains Heritage Festival. Referred to **Appropriations Committee**.

By Senators Lawing and Edwards of Caldwell:

S. B. 737, a bill to provide a sales tax exemption for legal tender and precious metal bullion.

Referred to **Finance Committee**.

By Senators Marvin, Harris of Cleveland, and Rauch:

S. B. 738, a bill to lease certain property for a period of ninety-nine years.

On motion of Senator Marvin, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senator Guy:

S. B. 739, a bill to annex certain property to the City of Jacksonville.

On motion of Senator Guy, the rules are suspended (electronically recorded) and the bill is placed on the Calendar for tomorrow, upon second reading.

By Senators Lawing and Rand:

S. B. 740, a bill to extend the freeze on the issuance of certificates of need for new intermediate care facility beds for the mentally retarded.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Lawing and Rand:

S. B. 741, a bill to provide time to study the need for and the providing of services by home health agencies as alternatives to institutional care.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Lawing and Rand:

S. B. 742, a bill to make final agency decisions on certificates of need appealable to the North Carolina Court of Appeals.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Lawing, Edwards of Caldwell, and Rand:

S. B. 743, a bill to appropriate funds to the Department of Human Resources for local health systems agencies.

Referred to **Appropriations Committee**.

By Senators Lawing, Ballenger, Rand, and Redman:

S. B. 744, a bill to end the moratorium on nursing home construction.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Gray, Hardison, Harrington, Harris of Cleveland, Hunt, Jordan, Marvin, Rand, Royall, Tally, Walker, Ward, Warren, and White.

S. B. 745, a bill to clarify the confidentiality requirements in the declaration of domiciliary home residents' rights.

Referred to **Special Ways and Means Committee**.

By Senators Gray, Harrington, Harris of Cleveland, Hunt, Marvin, Rand, Tally, Walker, Ward, and Warren:

S. B. 746, a bill to increase the income and property limits for the homestead exemption and to offset the resulting revenue loss by increasing the percentage of the homestead exemption for which counties and cities are reimbursed.

Referred to **Finance Committee**.

By Senators Gray, Edwards of Caldwell, Harrington, Harris of Cleveland, Hunt, Jordan, Marvin, Rand, Royall, Tally, Walker, Ward, Warren, and White:

S. B. 747, a bill to provide funds for senior citizens' centers.

Referred to **Appropriations Committee**.

By Senators Gray, Harrington, Harris of Cleveland, Hunt, Jordan, Marvin, Rand, Royall, Tally, Walker, Ward, Warren and White:

S. B. 748, a bill to provide funds for the State Adult Day Care Program.
Referred to **Appropriations Committee**.

By Senators Rauch, Marvin, and Harris of Cleveland:

S. B. 749, a bill to appropriate funds for the Schiele Museum in Gastonia.
Referred to **Appropriations Committee**.

By Senators Lawing, Alford, Ballenger, Duncan, Edwards of Caldwell, Guy, Hardison, Harris of Cleveland, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Marion, Parnell, Rauch, Redman, Royall, Speed, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, and Ward:

S. B. 750, a bill to phase out over a five-year period the tax on intangible personal property that is now classified and taxed at specific rates, and to provide funds to partially compensate local governments for the revenue loss.

Referred to **Finance Committee**.

By Senators Woodard and Staton:

S. B. 751, a bill to appropriate funds for capital improvements for the Adolescent Treatment Program at Dorothea Dix Hospital.

Referred to **Appropriations Committee**.

By Senator Rauch:

S. B. 752, a bill to limit the power of eminent domain which may be exercised by the Gastonia Airport Authority.

On motion of Senator Rauch, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senators Rauch, Ballenger, Harris of Mecklenburg, Kincaid, Marvin, Redman, and Wright:

S. B. 753, a bill to repeal the tax on intangible personal property that is now classified and taxed at specific rates, and to partially reimburse local governments for the resulting revenue loss.

Referred to **Finance Committee**.

By Senators Rand and Tally:

S. B. 754, a bill to appropriate funds for a Fayetteville municipal farmers market.
Referred to **Appropriations Committee**.

By Senators Warren, Alford, Ballenger, Barnes of Wayne, Barnes of Forsyth, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Kincaid, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Staton, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, White, Winner, and Woodard:

S. J. R. 755, a joint resolution calling on the Senate and the House of Representatives of the 1985 General Assembly to sit as committees of the whole for twenty legislative days for the purpose of considering various proposals relating to education in North Carolina.

Referred to **Special Ways and Means Committee**.

By Senators Thomas of Henderson and Hipps:

S. B. 756, a bill to regulate road hunting in Henderson County.

On motion of Senator Thomas of Henderson, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senator Barnes of Wayne:

S. B. 757, a bill to permit disposition of redeveloped properties by the City of Goldsboro on a basis other than the highest monetary bid where such disposition is found to serve the best interest of the City and to dispose of the property at private sale.

On motion of Senator Barnes of Wayne, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senators Royall, Hardison, Johnson, Jordan, Rand, Staton, Walker, and Woodard:

S. B. 758, a bill to create a public employee supplemental income retirement plan.

Referred to **Pensions and Retirement Committee**.

By Senators Walker and Hunt:

S. B. 759, a bill to revise and consolidate the Charter of the Town of Franklinville and to repeal prior local acts.

On motion of Senator Walker, the rules are suspended (electronically recorded) and the bill is placed on the Calendar for tomorrow, upon second reading.

By Senator Walker:

S. B. 760, a bill concerning economic development projects of the Town of Liberty.

On motion of Senator Walker, the rules are suspended (electronically recorded) and the bill is placed on the Calendar for tomorrow, upon second reading.

By Senator Speed:

S. B. 761, a bill exempting from certain of the provisions of Article 12, Chapter 160A, of the General Statutes, dealing with local governments' sale and disposition of property, the County of Franklin.

Referred to **Special Ways and Means Committee**.

By Senators Hancock and Royall:

S. B. 762, a bill to allow the Durham City Board of Education to pay its ten-month employees on or before the fifteenth of each month.

On motion of Senator Hancock, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senators Hancock and Royall:

S. B. 763, a bill to permit a district board of health to be composed of at least fifteen but no more than eighteen members.

Referred to **Special Ways and Means Committee**.

By Senators Duncan, Gray, Hancock, Hardison, Johnson, Jordan, Marion, Marvin, Plyler, Rauch, Royall, Tally, Thomas of Craven, Walker, Ward, Warren, and Woodard:

S. B. 766, a bill to rename State Highway 704 as the "Wesley D. Webster Highway".

On motion of Senator Duncan, the rules are suspended (electronically recorded) to allow introduction, and on his further motion the bill is placed on the calendar for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 1483, a bill regarding refunds of tax paid on gasohol and other alcohol fuels.

Referred to **Finance Committee**.

H. B. 1494, a bill to incorporate the Walkertown Sanitary District into a municipality to be known as the Town of Walkertown, and to simultaneously dissolve the Walkertown Sanitary District, subject to a referendum.

On motion of Senator Edwards of Guilford, the rules are suspended (electronically recorded) and the bill is placed on the Calendar for tomorrow, upon second reading.

H. J. R. 1509, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider "A bill to be entitled an act to make technical changes to the Safe Roads Act."

On motion of Senator Barnes of Wayne, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1523, a bill to validate the failure of Cabarrus County to collect a fire district tax in that portion of the Harrisburg Fire Protection District located in the corporate limits of the Town of Harrisburg.

On motion of Senator Jenkins, the rules are suspended (electronically recorded) and the bill is placed on the Calendar for tomorrow, upon second reading.

H. B. 1582, a bill to reschedule the 1984 primary election for Person County which was not conducted due to delay caused by submissions under the Voting Rights Act of 1965.

On motion of Senator Royall, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 732, a bill to revise the Charter of the Town of Orrum, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Wayne, Barnes of Forsyth, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, White, Winner, and Woodard — 42.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

S. J. R. 705, a joint resolution authorizing consideration of a bill validating sanitary district actions.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

On motion of Senator Lawing, seconded by Senator Jenkins, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED FORTY-FOURTH DAY

SENATE CHAMBER,
Friday, June 15, 1984.

The Senate meets pursuant to adjournment, and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Sandy MacGeachey, West Raleigh Presbyterian Church, as follows:

“Blessed are You, Creator of this Universe. You and only You are worthy of our trust. In Your design is both peace and justice. We thank You now for our lives, for the abundance of every day, for family and friends, but most of all in this hour for the responsibility of public trust that has been granted to us. We thank You that in our many contacts we most of all belong to You. We thank You that we are able to bring in this Chamber our decisions to work for You and all of Your people. We thank You that here we can in particular ways be fair and just with all of Your children. We thank You for the opportunity to speak for those who cannot speak for themselves, especially the elderly and the youth. Grant that we will be able to set right the mistakes of yesterday and to point with wisdom and vision to tomorrow. Receive our thanks, our humble gratitude, and our praise that on this new day we start again at the top of Your page.

“In the name and the Spirit of Him Who made us and calls us to be His own. Amen.”

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Rauch and to Senator Hipps, who is speaking at the Third Annual Seminar at the UNC School of Law.

Leaves granted previously to Senators Soles, Childers, Ballenger, and Wright are noted.

Senator Guy is noted present.

COMMITTEE APPOINTMENT

The President announces the appointment of Senator Harris of Mecklenburg as a member of the **Special Ways and Means Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 712, an act to provide for attachment or garnishment for ambulance liens in Rowan County. (Ch. 933)

S. B. 719, an act to establish the term of office for school board members for Kings Mountain City Schools as four years. (Ch. 934)

H. J. R. 1509, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to make technical changes to the Safe Roads Act. (Res. 56)

H. B. 1582, an act to reschedule the 1984 primary election for Person County which was not conducted due to delay caused by submissions under the Voting Rights Act of 1965. (Ch. 932)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Warren, Alford, Ballenger, Barnes of Wayne, Barnes of Forsyth, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, White, and Winner:

S. B. 764, a bill to appropriate funds to implement the recommendations of the Public Education Policy Council.

Referred to **Appropriations Committee**.

By Senators Warren, Alford, Ballenger, Barnes of Wayne, Barnes of Forsyth, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Speed, Staton, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, White, Winner, and Woodard:

S. B. 765, a bill to enact the Elementary and Secondary School Reform Act of 1984.

Referred to **Special Ways and Means Committee**.

By Senators Marion and Duncan:

S. B. 767, a bill to appropriate funds to the Town of Boone for restoration of the Jones House.

Referred to **Appropriations Committee**.

By Senators Marion and Duncan:

S. B. 768, a bill to appropriate funds for the Laurel Springs Livestock Weighing Station.

Referred to **Appropriations Committee**.

By Senators Davis and Redman:

S. B. 769, a bill to provide funds for the Tri-County Mental Health Complex, in the Western Region.

Referred to **Appropriations Committee**.

By Senators Duncan, Hunt, Marion, Rauch, and Walker:

S. B. 770, a bill to amend the definition of "regional institution."

Referred to **Appropriations Committee**.

By Senators Rauch, Harris of Cleveland, and Marvin:

S. B. 771, a bill to appropriate funds for capital improvements to the Gaston County Museum of Art and History in Dallas.

Referred to **Appropriations Committee**.

By Senators Duncan and Marion:

S. J. R. 772, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to rename State Highway 704 as the "Wesley D. Webster Highway".

On motion of Senator Duncan, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senator Duncan:

S. B. 773, a bill to appropriate funds to the Western Rockingham City School Administrative Unit.

Referred to **Appropriations Committee**.

By Senator Lawing:

S. B. 774, a bill to make technical and clarifying changes to the certificate of need law.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Lawing:

S. B. 775, a bill to increase the limit on major medical equipment requiring a certificate of need and make it applicable to physicians in addition to health care facilities.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Speed:

S. B. 776, a bill to amend the law permitting temporary State employment to be purchased as creditable service in the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

By Senator Thomas of Henderson:

S. J. R. 777, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act authorizing counties to establish cemetery service districts.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Swain:

S. J. R. 778, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to provide special identification cards may be issued to any person twelve or older by the Division of Motor Vehicles.

On motion of Senator Swain, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senators Hipps and Thomas of Henderson:

S. B. 779, a bill to appropriate funds to the Department of Natural Resources and Community Development to obtain assistance for the Town of Hazelwood in a rehabilitation program for the town water system.

Referred to **Appropriations Committee**.

By Senator Staton:

S. J. R. 782, a joint resolution authorizing consideration of a bill relating to the theft of cable television services.

On motion of Senator Staton, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 1480, a bill to exempt Cherokee County from certain procedural requirements on disposal of land as an industrial park.

Referred to **Special Ways and Means Committee**.

H. B. 1484, a bill to exempt from sales and use taxes component parts of and sales by printers of free circulation publications.

Referred to **Finance Committee**.

H. B. 1488, a bill authorizing the Secretary of Revenue to employ collection agencies to collect taxes due this State from taxpayers located outside the State.

Referred to **Finance Committee**.

H. B. 1492, a bill to allow the City of Statesville to lease certain property for a period of twenty-five years.

Referred to **Special Ways and Means Committee**.

H. B. 1493, a bill to allow absentee voting in Cherryville City elections.

On motion of Senator Harris of Cleveland, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1498, a bill to exempt the City of Washington, Beaufort County, from the requirements of Article 12 of Chapter 160A of the General Statutes in connection with the conveyance of certain land to the Greater Washington Chamber of Commerce.

Referred to **Special Ways and Means Committee**.

H. B. 1501, a bill to permit the County of Pitt to lease to the Children's Services of Eastern Carolina, Inc., certain real property near the Greenville Nursing and Convalescent Home and a portion of the former Moye property, now owned by Pitt County.

Referred to **Special Ways and Means Committee**.

H. B. 1515, a bill to provide local flexibility in the financing of the Industrial-Agricultural Development Commission of Lenoir County.

Referred to **Special Ways and Means Committee**.

H. J. R. 1548, a joint resolution honoring the life and memory of Sam D. Bundy, a former member of the North Carolina General Assembly.

Without objection, the joint resolution is placed on the Calendar for Monday, June 18.

H. B. 1516, a bill to include an area within the corporate limits of the Town of Micro.

Referred to **Special Ways and Means Committee**.

H. B. 1520, a bill to repeal the statutory ban on the sale of spiritous liquors, intoxicating drinks, ale, beer, lager, porter, cider or bitters in the Town of Siler City.

Referred to **Special Ways and Means Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 732, a bill to revise the Charter of the Town of Orrum, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Jenkins, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Speed, Swain, Tally, Taylor, Walker, Ward, Warren, White, Winner, and Woodard — 35.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 735, a bill to amend the Charter of the City of Lumberton relating to uptown development projects, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion,

Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Winner, and Woodard — 40.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

S. B. 739, a bill to annex certain property to the City of Jacksonville, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Winner, and Woodard — 40.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

S. B. 759, a bill to revise and consolidate the Charter of the Town of Franklinville and to repeal prior local acts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Winner, and Woodard — 40.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

S. B. 760, a bill concerning economic development projects of the Town of Liberty, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Winner, and Woodard — 40.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 1494, a bill to incorporate the Walkertown Sanitary District into a municipality to be known as the Town of Walkertown, and to simultaneously dissolve the Walkertown Sanitary District, subject to referendum, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Speed, Staton, Swain, Tally,

Taylor, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Winner, and Woodard — 40.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 1523, a bill to validate the failure of Cabarrus County to collect a fire district tax in that portion of the Harrisburg Fire Protection District located in the corporate limits of the Town of Harrisburg, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Winner, and Woodard — 40.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

S. B. 723, a bill to provide for the central filing of security interests in crops.

On motion of Senator Jenkins, Committee Amendment No. 1 is adopted.

The Chair orders the bill, as amended, engrossed and re-referred to the **Appropriations Committee**.

On motion of Senator Lawing, seconded by Senator Harris of Cleveland, the Senate adjourns to meet Monday at 8:00 P.M.

ONE HUNDRED FORTY-FIFTH DAY

SENATE CHAMBER,
Monday, June 18, 1984.

The Senate meets pursuant to adjournment, and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

“God, our Father: Your Prophet Micah tells us that all that is required of us is that we love mercy, act justly, and walk humbly with our God. We confess that it is easy for us to love mercy when we are the ones who are being judged, but far more difficult to extend mercy to those who oppose or hurt us. It is not hard for us to act with justice within the circle of family and friends, but far more difficult to extend justice to the poor, the stranger, the outcast. As for walking humbly, we confess that we are too successful in the life You have given us to be as humble as we should. Remind us daily, O God, of this simple prescription for a truly human life. Help us to extend mercy and justice to all Your children, and to keep ourselves humble by remembering how far short we fall of Your hopes for us as Your people. Amen.”

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Winner, Barnes of Forsyth, and Thomas of Craven for tonight; to Senator Thomas of Craven for tomorrow, June 19; and to Senator Childers for Monday through Friday, June 18 - 22.

A leave of absence granted previously to Senator Soles is noted.

The President recognizes the following pages serving in the Senate this week: Tanji Lee Bradley, Raleigh; Antowanna S. Carpenter, Raleigh; Dena Rochelle Childers, Taylorsville; Gregory Allen Conner, Kings Mountain; Nathan Joel Derrick, Wake Forest; Donna Delores Douglas, Charlotte; Derek Urban Ezzel, Whiteville; Paige Elizabeth Fink, Raleigh; Carla Michelle Gurganus, Oxford; Paul Harrison Harkey, Washington; Michele Hilliard, Rocky Mount; Crystal T. Jones, Raleigh; Sheena Nicole McLaurin, Wilmington; Mark Newell, Raleigh; Alicia Nisbit, Colonial Heights, Virginia; Amy Elizabeth Parker, Raleigh; Sanford Pinion, Raleigh; Leslie Sheperd, Laurinburg; Donna Carol Smith, Goldsboro; Sarah Elizabeth Tipton, Greenville; Herman Frank Towe, Plymouth; Nita Paige Toxey, Gatesville; Tammy Gail Vaughan, Wendell; Sherry Kay Watt, Raleigh; Wally Gray White, Eden; and Anna Jane Woodhouse, Raleigh.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 1493, an act to allow absentee voting in Cherryville City elections. (Ch. 935)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Staton:

S. B. 780, a bill to clarify and make technical amendments to Article 17 of Chapter 120 of the General Statutes, Confidentiality of Legislative Communications.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Edwards of Caldwell:

S. B. 781, a bill to appropriate funds for the further rehabilitation of the Old Burke County Courthouse in Morganton.

Referred to **Appropriations Committee**.

By Senators Rand, Edwards of Caldwell, Gray, Hancock, Hardison, Hunt, Jenkins, Jordan, Lawing, Marvin, Parnell, Plyler, Royall, Speed, Swain, Tally, Walker, Warren, Winner, and Woodard.

S. B. 783, a bill to clarify the definition of an ambulatory surgical facility.

Referred to **Special Ways and Means Committee**.

By Senators Plyler and Jordan:

S. B. 784, a bill to appropriate funds for repairs to Temperance Hall and the John Charles McNeill House.

Referred to **Appropriations Committee**.

By Senator Staton:

S. J. R. 785, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to declare Good Friday, the Friday before Easter, the legal public holiday to observe Easter.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Rand and Hancock:

S. B. 786, a bill to protect the public interest in the sale or lease of public hospital facilities.

Referred to **Special Ways and Means Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 543 (House Committee Substitute), a bill to regulate architects and engineers in their relations with contractors, for concurrence in the House Committee Substitute bill.

Referred to **Special Ways and Means Committee**.

H. B. 1482, a bill to change the method of determining the sales price of a motor vehicle in a casual sale and eliminate the requirement that the sales price of a motor vehicle in a casual sale be based on the book value of the vehicle.

Referred to **Finance Committee**.

H. B. 1485, a bill repealing various obsolete tax statutes and making technical corrections to the revenue laws.

Referred to **Finance Committee**.

H. J. R. 1486, a joint resolution expressing the General Assembly's disapproval and rejection of the unitary method of taxation whereby the worldwide earnings of a multinational business enterprise are subjected to State income tax.

Referred to **Rules and Operation of the Senate Committee**.

H. J. R. 1495, a joint resolution authorizing the 1984 Regular Session of the 1983 General Assembly to consider a joint resolution requesting the continuation and expansion of the statewide screening service for the detection of certain metabolic disorders.

Referred to **Rules and Operation of the Senate Committee**.

H. J. R. 1499, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act regarding the letting of contracts for airport construction and repair.

Referred to **Rules and Operation of the Senate Committee**.

H. J. R. 1503, a joint resolution authorizing consideration of a bill concerning regional reciprocal interstate acquisitions of savings and loan associations.

On motion of Senator Edwards of Caldwell, the rules are suspended (electronically recorded), and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H. J. R. 1504, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act regarding limitations on State financial aid to airports.

Referred to **Finance Committee**.

H. J. R. 1510, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act regarding federal assistance in the purchase of navigational aids for North Carolina airports.

Referred to **Finance Committee**.

H. B. 1517, a bill to abolish certain executive branch boards and to consolidate the functions of certain executive branch boards.

Referred to **Rules and Operation of the Senate Committee**.

H. J. R. 1531, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to regulate raffles.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 735, a bill to amend the Charter of the City of Lumberton relating to uptown development projects, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Woodard, and Wright — 44.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 739, a bill to annex certain property to the City of Jacksonville, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Woodard, and Wright — 44.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 759, a bill to revise and consolidate the Charter of the Town of Franklinville and to repeal prior local acts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes, 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins,

Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Woodard, and Wright — 44.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 760, a bill concerning economic development projects of the Town of Liberty, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Woodard, and Wright — 44.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 1494, a bill to incorporate the Walkertown Sanitary District into a municipality to be known as the Town of Walkertown, and to simultaneously dissolve the Walkertown Sanitary District, subject to a referendum, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Woodard, and Wright — 44.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1523, a bill to validate the failure of Cabarrus County to collect a fire district tax in that portion of the Harrisburg Fire Protection District located in the corporate limits of the Town of Harrisburg, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Woodard, and Wright — 44.

Voting in the negative: None.

The bill is ordered enrolled.

H. J. R. 1548, a joint resolution honoring the life and memory of Sam D. Bundy, a former member of the North Carolina General Assembly.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Royall moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Royall:

S. J. R. 787, a joint resolution memorializing Congress to allow the tobacco excise tax to drop to eight cents per pack as currently scheduled.

On motion of Senator Royall, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

On motion of Senator Lawing, seconded by Senator Royall, the Senate adjourns to meet tomorrow at 12:00 M.

ONE HUNDRED FORTY-SIXTH DAY

SENATE CHAMBER,
Tuesday, June 19, 1984.

The Senate meets pursuant to adjournment, and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

“Almighty God: Each new day You bring forth light out of the darkness, renewing and warming the earth. Help us to find in that seemingly simple miracle a symbol of hope for our world. Too often we wander helplessly about in a darkness of our own making, unable or unwilling to find our way. Bring light to our eyes and our hearts, O God, that we may see the dawning of a new age. Grant especially that these servants of Yours who serve the people of North Carolina may be blessed with clear sight and a willing spirit, that their work may truly reflect Your will. Amen.”

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Thomas of Craven for today and to Senator Staton for tomorrow, June 20, through June 22.

Leaves of absence granted previously to Senators Soles and Childers are noted.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 1494, an act to incorporate the Walkertown Sanitary District into a municipality to be known as the Town of Walkertown, and to simultaneously dissolve the Walkertown Sanitary District, subject to a referendum. (Ch. 936)

H. J. R. 1503, a joint resolution authorizing consideration of a bill concerning regional reciprocal interstate acquisitions of savings and loan associations. (Res. 57)

H. B. 1523, an act to validate the failure of Cabarrus County to collect a fire district tax in that portion of the Harrisburg Fire Protection District located in the corporate limits of the Town of Harrisburg. (Ch. 937)

H. J. R. 1548, a joint resolution honoring the life and memory of Sam D. Bundy, a former member of the North Carolina General Assembly. (Res. 58)

RE-REFERRAL

S. B. 786, a bill to protect the public interest in the sale or lease of public hospital facilities.

Without objection, the Chair withdraws the bill from the **Special Ways and Means Committee** and re-refers it to the **State Government Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Jenkins:

S. B. 788, a bill to appropriate funds to the Cannon Memorial Y.M.C.A. and Community Center, Inc., in Kannapolis, North Carolina.

Referred to **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 1511, a bill to amend Chapter 320 of the 1981 Session Laws concerning street improvements and assessments in Dare County.

Referred to **Special Ways and Means Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain, for the **Special Ways and Means Committee**:

H. B. 1398, a bill to require an applicant for appointment of a receiver to furnish a bond payable to the adverse party, with a favorable report.

H. B. 1480, a bill to exempt Cherokee County from certain procedural requirements on disposal of land as an industrial park, with a favorable report.

H. B. 1492, a bill to allow the City of Statesville to lease certain property for a period of twenty-five years, with a favorable report.

H. B. 1498, a bill to exempt the City of Washington, Beaufort County from the requirements of Article 12 of Chapter 160A of the General Statutes in connection with the conveyance of certain land to the Greater Washington Chamber of Commerce, with a favorable report.

H. B. 1501, a bill to permit the County of Pitt to lease to the Children's Services of Eastern Carolina, Inc., certain real property near the Greenville Nursing and Convalescent Home and a portion of the former Moye property, now owned by Pitt County, with a favorable report.

H. B. 1515, a bill to provide local flexibility in the financing of the Industrial-Agricultural Development Commission of Lenoir County, with a favorable report.

H. B. 1516, a bill to include an area within the corporate limits of the Town of Micro, with a favorable report.

H. B. 1520, a bill to repeal the statutory ban on the sale of spiritous liquors, intoxicating drinks, ale, beer, lager, porter, cider or bitters in the Town of Siler City, with a favorable report.

H. B. 385 (Committee Substitute), a bill authorizing a court to order procurement of a proper license, with a favorable report, as amended.

S. B. 734, a bill to create the North Carolina Hazardous Waste Treatment Commission with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

On motion of Senator Swain, the Committee Substitute bill is placed on the Calendar for tomorrow, June 20.

On motion of Senator Lawing, seconded by Senator Thomas of Henderson, the Senate adjourns to meet tomorrow at 12:00 M.

ONE HUNDRED FORTY-SEVENTH DAY

SENATE CHAMBER,
Wednesday, June 20, 1984.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, as we gather this day, we gather in remembrance of Your servant and our friend, Julian Allsbrook, and we ask You to help us remember as You exemplified in his life, that where there is no vision, the people perish, and where there is vision, the people are blessed. Help us all to be people who are not afraid to have visions of hope for the future. Grant us dreams of equality and opportunity for all people, dreams of freedom and prosperity for this Nation, and for all the nations of this earth. Never let us become content with the status quo, but encourage us to work toward a future that gleams brightly on the horizon of our hopes. As we look toward the future, help us to welcome it with the confidence that comes from knowing we are doing our best in the present to assure that tomorrow will be even better than today.

"We make this and all our prayers in Your name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Wright and Ballenger for today.

Leaves of absence granted previously to Senators Soles, Childers, and Staton are noted.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 713, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to allow the Department of Transportation to include a municipal street as part of the right-of-way when improving a State highway. (Res. 59)

S. J. R. 772, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to rename State Highway 704 as the "Wesley D. Webster Highway". (Res. 60)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

S. B. 728, a bill to reduce the fee rate for administration of estates, with a favorable report.

S. B. 737, a bill to provide a sales tax exemption for legal tender and precious metal bullion, with a favorable report.

S. B. 750, a bill to phase out over a five-year period the tax on intangible personal property that is now classified and taxed at specific rates, and to provide funds to partially compensate local governments for the revenue loss, with a favorable report.

H. B. 541, (Committee Substitute), a bill to provide an income tax credit for the

purchase of conservation tillage equipment for agriculture and forestry, with a favorable report.

S. B. 731, a bill to provide an additional tax exemption for parents of individuals with cystic fibrosis, with a favorable report, as amended.

H. B. 1099, a bill to provide an income tax credit to farmers who permit their crops to be gleaned, with a favorable report, as amended.

S. B. 733, a bill to create a State General Fund Bond Sinking Fund for the purpose of retiring the principal and interest of State General Fund bonds and to provide the necessary moneys therefor, with unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration. On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

By Senator Plyler for the **Pensions and Retirement Committee**:

S. B. 725, a bill to amend the Gastonia Firemen's Supplementary Pension Fund, with a favorable report.

S. B. 758, a bill to create a public employee supplemental income retirement plan, with a favorable report, as amended.

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

S. J. R. 702, a joint resolution honoring the life and memory of Senator Julian R. Allsbrook, with a favorable report.

On motion of Senator Lawing, the rules are suspended (electronically recorded), and the joint resolution is placed before the Senate for immediate consideration.

Without objection, the Chair orders the joint resolution and the remarks of the Senators, spread upon the Journal, as follows:

SENATE JOINT RESOLUTION 702

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SENATOR JULIAN R. ALLSBROOK.

Whereas, Julian R. Allsbrook was born in Roanoke Rapids, North Carolina on February 17, 1903, and graduated from the Roanoke Rapids public schools in 1920; and

Whereas, Julian R. Allsbrook attended The University of North Carolina from 1920 to 1924, graduating from the School of Law in 1924, and was a member of the Order of the Golden Fleece and the Order of the Grail; and

Whereas, Julian R. Allsbrook made a distinguished career in the practice of law in Roanoke Rapids; and

Whereas, Julian R. Allsbrook was first elected to the North Carolina Senate in 1935 and did not seek re-election; served as a member of the North Carolina House of Representatives in 1941; and resigned the Democratic Nomination for Senator from the Sixth District in 1942 to enter active duty as a lieutenant in the U.S. Naval Reserve; and

Whereas, Julian R. Allsbrook was elected Senator in 1947, 1949, 1951, 1965 and every term thereafter; and

Whereas, Julian R. Allsbrook served in the 1983 General Assembly as the Senator from the Sixth District, composed of Warren County and parts of Edgecombe and Halifax Counties; and

Whereas, as a distinguished member of the North Carolina Senate, Julian R. Allsbrook earned the respect and admiration of his fellow legislators and was appointed Chairman of the Judiciary I Committee and Vice Chairman of the Committee on Public Utilities and Energy, and was also a member of numerous other legislative committees; and

Whereas, Julian R. Allsbrook was a member of numerous civic and charitable organizations, including the American Legion, the Roanoke Rapids Kiwanis Club, the Masonic Lodge, Widow's Lodge No. 519, and Woodmen of the World; and

Whereas, Julian R. Allsbrook's accomplishments have been recognized by the North Carolina Public Health Association's Distinguished Service Citation in 1965, the North Carolina Association of Health, Physical Education, and Recreation's Special Honor Award for Service in 1974, and the Roanoke Rapids Lion's Club Distinguished Service Award in 1974; and

Whereas, Julian R. Allsbrook was a great believer in the Halifax Resolves, and led the effort to commemorate them; and

Whereas, Julian R. Allsbrook died May 15, 1984, leaving his son, Superior Court Judge Richard B. Allsbrook of Roanoke Rapids, and his two daughters, Mary Allsbrook Fisher of Roanoke Rapids and Alice Allsbrook Auchmoody of Richmond, Virginia; and

Whereas, Julian R. Allsbrook was a respected statesman, a true Christian, and an individual highly dedicated to the advancement of his community; and

Whereas, the General Assembly, in warm memory and admiration, wishes to recognize the contributions of Julian R. Allsbrook to the well-being and betterment of Halifax County, Eastern North Carolina, and the entire State; and

Whereas, the General Assembly also wishes to express to his children sincere gratitude and appreciation for his services;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The North Carolina General Assembly honors the memory of Julian R. Allsbrook and mourns the loss of such an able and devoted public servant.

Sec. 2. The North Carolina General Assembly expresses the deep gratitude and appreciation of this State and its citizens for Julian R. Allsbrook's life and service to North Carolina.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the children of Julian R. Allsbrook.

Sec. 4. This resolution is effective upon ratification.

SENATOR WHITE:

"Mr. President and Members of the Senate, it's an honor for me that I have the opportunity to rise to speak on this Resolution. Senator Allsbrook was educated in the Roanoke Rapids School System, and to my knowledge, from having been a school principal in Halifax County and knowing the Roanoke Rapids School System as it was known across the State as one of the most efficient and best systems in the State of North Carolina. He graduated there from the School System in 1920. He furthered his formal education by going to the University of North Carolina at Chapel Hill, and there he received his law degree, with honors, in 1924. He served as Student Body President his senior year. Senator Allsbrook was an outstanding and capable lawyer. He told me on many occasions that he never turned down a client because he was poor. He had compassion for the poor.

"Senator Allsbrook was a man with outstanding personal integrity. His word was his bond. He was a Christian, member of the Baptist Church. He loved the people of Roanoke Rapids and Halifax County.

"Senator Allsbrook was first elected to the Senate in 1935; did not choose to run for re-election at that time but that was almost 50 years ago. He served in the North Carolina House in 1941 and resigned from that Body in 1942 to enter the armed services of his country which was at war at that time.

"He served in the North — he followed his career in the Legislature for a number of years before I came to this Senate. In 1969, Senator Allsbrook and I were elected to serve as colleagues in a four-county, two-senator district. We served together for six terms until our district was broken up into a single Senate district. We had a very close relationship in serving our District. I sought his advice on many issues, and he was always anxious to help. I leaned on him many, many times because of the wisdom that he could impart to me.

"Senator Allsbrook was devoted to his family and was proud of his children and his grandchildren. He loved people. He loved his friends and the people of North Carolina. He especially loved this State. He believed in the democratic government, believed in the North Carolina Constitution. He served on the Commission that rewrote the State Constitution in the late 60's. He defended it to the letter in this Chamber. He was a very — he had very little patience with anyone that sponsored a bill that in his opinion, was not constitutional.

"Senator Allsbrook would make a thorough study of bills that were controversial. When he had made up his mind that a bill was not in the best interests of the people of North Carolina, he would fight for his convictions to the very end. Senator Allsbrook was proud of being a Senator and member of this Senate. He brought honor to this august Body. He never wanted to serve the State in any capacity other than in this Senate. He was civic-minded, was a Kiwanian, member of the Masonic Lodge and other local organizations. He received many honors and citations, served on many boards and commissions. When his people needed him, he was there to help.

"It has been a great privilege and a rewarding experience to have had the honor of serving with him in this Senate. I was devoted to him for he had meant so much to me over the years. I miss him. His seat was just back of me where Senator Speed now sits, and later I sat right to his left where I am sitting now. I miss him very much. This legislative

body will miss his wisdom. He furnished leadership on many important issues that came before this Body, and the State of North Carolina will miss an outstanding citizen in the passing of Senator Allsbrook. Thank you, Mr. President."

SENATOR KINCAID:

"Ladies and Gentlemen of the Senate, I had the pleasure of serving with Senator Allsbrook for 17 years in the General Assembly. By belonging to the minority party, I know there are many times when your party principles must prevail, and in those times the Senator definitely stood by his party principles.

"I can honestly say that during my 17 years in the General Assembly I have never been treated any better by any member of this General Assembly than Senator Allsbrook. Obviously, we could go on and on and on and talk about the Senator and what he meant to North Carolina, and with no disrespect intended to the new generation that will be coming, I can sincerely say that we will never elect another Senator that represented the values of what made this country as great as it is as Senator Allsbrook. Thank you."

SENATOR ALFORD:

"North Carolina has lost a great citizen. It has been my pleasure to serve with Senator Allsbrook for 14 years, and since the passing of Senator Allsbrook, I have visited Roanoke Rapids and Halifax County on many occasions. I have talked to people in all walks of life, and they say, 'Who are we going to get to fill those big shoes?' It's going to be a very difficult time. Already he is being missed. I just hope that if I come back here, I can attempt to fill part of his shoes. He was fair, he was tough, but he always gave even his opponents a fair shake.

"I am delighted to know that I had the pleasure of serving with Senator Allsbrook during this period of time. He was a great North Carolinian, and again, I say to you he is going to be missed. Thank you, Mr. President."

SENATOR SWAIN:

"Mr. President and Members of the Senate, I felt that I had to stand and express my love for this great man who has left us.

"The thing that some of us forget here on the floor in the midst of some of our battles, some of us forget to be a gentleman. Senator Allsbrook at all times was the epitome of what we know as the southern gentleman.

"When I came here in 1977, I was honored to be allowed to serve as Vice Chairman of Judiciary I. I have served in that capacity with Senator Allsbrook ever since, and he has — I have been honored to have been able to consult with him and to learn his thoughts. He was a man, as Senator White says, who loved our Constitution. He was a protector of the rights of everybody, and he had very little patience with some of the legislation which would transgress or even encroach in any way on our Constitution, because he knows that that is the basis of our government and the protector of the weak, as well as the strong. He was a great champion.

"I was so impressed when we went to his funeral, Mr. President. The Town of Roanoke Rapids virtually closed down. I think there was one little shop there where you could buy a

cup of coffee during his funeral. The rest of the town had closed, and the reverence that was shown by the police officers and everyone in that area for this great man. And he deserved every bit of love they gave him, and I just wish to express my grief at my personal loss. The people of North Carolina have lost a great, great man. Thank you."

SENATOR HARRINGTON:

"I'm going to go back many, many years because I live one county from Halifax where Senator Allsbrook was born and raised, and give you all a little bit of history of Senator Allsbrook.

"Most of you know his history for the last several years here in the Senate Chamber. But back in the 30's there was a tremendous — I got him down here as a political warrior — there was a tremendous two factions existing in Halifax County. They would win races by as much as a big difference of 20 votes, and I think Senator Allsbrook headed up one faction, and there was another faction that I will not mention today. Later in years they all got together, but back in the 30's it was really the topic of the day.

"As you would notice, Senator Allsbrook, to all of us never gave up. He didn't even want to compromise. Well, he stuck it out there in Halifax County until he became the 'king.' That's just exactly what he did.

"When he came up here 20 years ago, I had been here two years when he came in, and I watched him. I even listened to some insurance adjusters tell me how hard it was when they had a case with Senator Allsbrook to adjust the case. He would fight them right down to the last go. That's what I think was what struck me as so tremendous about Senator Allsbrook. He was a fighter from the word 'go.' There in Halifax County, along with his fighting, he did it in a gentleman-like way. As I said, there in the last 16 or 18 years, there was harmony in Halifax County, and he never had any problems of winning his races.

"I want to say to his family today — I only know his son very well, and that's our Superior Court Judge that's the resident judge of my District, we are proud of our Judge too, and of his family. It's just wonderful to be from my little section of the North Carolina State that can render such people as our late Senator Julian Allsbrook. It's a pleasure for me to have served with him for 20 years."

SENATOR ALLRED:

"Mr. President and Ladies and Gentlemen of the Senate, I want to say that Senator Allsbrook was one of the greatest Senators that will ever occupy this Chamber. He judged everything on its merit, and without his guidance, I may not have ever had any legislation passed. I am truly going to miss him in this Body. Thank you."

SENATOR DANIELS:

"Mr. President, Ladies and Gentlemen of the Senate, honored guests, many kind words have been said about our distinguished colleague, and I think there's one area that perhaps we can add to that. Not only was he a distinguished legislator, statesman, and orator, but he was an educator. Each of us as freshmen remember the kind lessons that he taught us; sometimes one-on-one; other times on the floor.

"For eight years we shared a boundary of our District where we were separated by the

great Roanoke River, and I remember with a very strong impression the lessons he taught me as a freshman over the hunting rights on the Roanoke River. He was very proud of his District and his territory, through justification.

"Senator Harrington and I shared the District on the other side of the Roanoke, and Senator Harrington had to be away one day my very first month in the session on business, and some hunting issues on the Roanoke came up. And Senator Allsbrook, with all the kindness and all the gentle manner that he had, educated me far beyond any words I could describe today on his strong feelings of the Roanoke River and what happened on each side of that river.

"Many times he would call us over to his desk and remind us of little issues that affected the great State of North Carolina and shared his views with us. I also remember the lessons he gave each of us as freshmen in this Body, the decorum, the manners and what went on. I think without a doubt the North Carolina Senate was perhaps his second home, a great love. I will always remember the kindness he showed in Judiciary I to we laymen of the law. We would ask some very foolish questions but he would remind us in a very kind way what the law was and what dangerous territory we were proceeding on. He was a great friend. In think all of us are better for having served with him."

SENATOR TAYLOR:

"Mr. President, since I am new on this scene I want you to know that I probably represent the people back home today more than I do the North Carolina Senate. The people back home, too, loved Senator Allsbrook. As some of you have mentioned, the clocks practically stopped in Roanoke Rapids on that day in May. At the Community College at 8:00 o'clock in the morning, people were already asking me, 'Are we flying the flag at half-mast today?' And we did.

"People back home loved him as you did. It was an humble experience for me to come to this Senate. The first day I came, when I drove in the parking lot, the attendant looked at me because he knew I didn't have any business there, but he found out my mission and he said, 'Senator Allsbrook always took the time to talk with me.' And I thought that was a tribute; that a man of that importance could take the time to talk with anyone, regardless of the station in life.

"Several of you told me the difficulty I would have in filling Senator Allsbrook's shoes. Ladies and Gentlemen, I would not attempt that. My attempt will be to follow in the direction in which he led. As you know, that direction encompassed many things. Many of you have mentioned the great abilities, the great will and the great love that he had for this State. I thought of Senator Allsbrook as a walking atlas of North Carolina history. He made it — he lived it.

"In a period of sadness, there is always a joy. The joy is that Senator Allsbrook passed our way; that you and I had the opportunity to grow because of our relationship with him. And so it is today, Mr. President, it is a great privilege and honor for me to join in a tribute to a great North Carolinian and a great American. Thank you."

SENATOR SPEED:

"Senator Allsbrook left his mark, certainly in this Body, throughout all of North

Carolina, but especially in the northeastern section of our State. I had the opportunity of living in the adjoining county of Senator Allsbrook. I knew a lot about how the people of that area felt about him. I also represented Warren County, at the same time as Senator Allsbrook. Due to the changes in districts and so forth, Warren County lost Senator Allsbrook, and I had the opportunity of trying to fill that slot. Senator Allsbrook helped me a lot in doing this because he knew the people there well and he still had an admiration for them and was always willing to try to help in every way. The people there continued to call upon him for the various problems that they had in order to solve them.

“Senator Allsbrook helped me on a number of occasions with various legislation. He was certainly a real true guide. He always gave good information and certainly information that he felt was in the best interests of all concerned. It was my pleasure to know him and work with him, and certainly, I, too, will miss him.”

SENATOR RAUCH:

“I don’t know if there was ever anyone before Senator Julian Allsbrook, and I don’t know if there will ever be anyone like Senator Julian Allsbrook after him.

“Fifty years ago — 1935 — was the first time he served in this Body, and when he was ill and hospitalized, and our Redistricting Committee was meeting, who else would we have stopped the committee meeting for to call him in the hospital because he had words for us.

“Truly, Julian Allsbrook was a wonderful inspiration to all of us. He loved his family; he loved North Carolina; he loved this Senate; he loved J-I; he loved the Constitution. The only time he would ever give J-I up was when he chaired the Constitution Committee when we wrote — when we wrote Julian Allsbrook’s Constitution for North Carolina.

“There was so much good and wonderful things about this man. He had time for everybody. He made time for everybody. He made us deliberate on issues when sometimes we would have moved them too fast.

“I never heard him say a vulgar word. I never heard him say an unkind word. I have been with him when he instigated strategy that overwhelmed what otherwise seemed to be a sure thing. A true North Carolina statesman. Any of us who have served with him are better for it. Think of the thousands of legislators who have come through the House and Senate who got to know Julian, who took and still take a part of him with us. Perhaps that’s one of — perhaps that’s one of God’s ways in giving us what He wants us to have. Thank you.”

SENATOR DAVIS:

“Mr. President, I didn’t serve with Senator Allsbrook long, but I started practicing in 1950 with a member of the House, George Uzzell, who served with him for quite some time, and I’d like to speak for just a moment about what George Uzzell’s relationship was to Senator Allsbrook. I know that the President of the Senate knew George Uzzell well. He was known, as I understand it at home, as the parliamentarian of the House. For 17 years we worked together in a law office, and I came to know him extremely well. I loved him very much. He admired and respected Senator Allsbrook. Senator Allsbrook did not always win. He was a forceful man but he didn’t always win, and let me tell you about one of those occasions.

“George Uzzell was down here from 1931 to 1965, except for four terms. One of those terms, my brother came in 1961, the same year I believe that the President of the Senate came, and during those many, many years that George Uzzell was here, he decided that he wanted to be Speaker of the House. He ran for Speaker of the House, and he made an excellent run, and on his team was Julian Allsbrook. Julian Allsbrook fought valiantly; all of them fought valiantly, but they did not win. The man who won for Speaker did not appoint Julian Allsbrook to the Finance Committee; he did not appoint him to the Appropriations Committee. Senator Allsbrook told me last year, he said, ‘I suppose I’m the only person who ever served in the Legislature who, during a session, was not appointed to the Finance or Appropriations Committee, and it’s all because I was loyal to George Uzzell.’ He was George’s friend. He was all our friend. He was very loyal, very determined, very forceful, and George appreciated him. I loved George and I appreciated very much the loyalty and the work which Julian Allsbrook did on behalf of George Uzzell, and I think all of us have come to know him as a wonderful person. Thank you, Mr. President.”

SENATOR MARION:

“Mr. President, Members of the Senate; several years ago I learned a poem. I think it’s the most beautiful poem I’ve ever read and I couldn’t sit here without repeating it to you. It was by Edgar Guest, and if I had not known the author, I would have thought it could have certainly been the late Senator Julian Allsbrook. It’s called ‘Sermons’. It goes like this:

‘I’d rather see a sermon than hear one any day. I’d rather one should walk with me than merely show the way. The eye’s a better pupil and more willing than the ear. Fine counseling is confusing but examples always clear. And the lectures you deliver may be wise and true, but I’d rather get my lesson by observing what you do, for I may misunderstand you and the high advice you give, but there’s no misunderstanding how you act and how you live.’

“And that fit Senator Allsbrook very much to the ‘T,’ I think.”

SENATOR HARRIS OF CLEVELAND:

“Mr. President, Members of the Senate, personally I want to thank you for putting me on Judiciary I four terms ago. It’s been a real privilege to have worked with this man. In my first term, I told some of the children and grandchildren a little bit ago, after I met him in Judiciary I — of course, I knew him before, but he said, ‘You know, occasionally we need a man of your business to bury some bills.’ And we did bury a few. He was not only loved by members of this General Assembly but the entire staff of this whole organization. To me, to go to Roanoke Rapids and go down the street, as Senator Swain said and to see the flags at half-mast, to see the people there in that town paying their respects, to have worked with a man like this, all I can say is Thank you, Lord, for sending us Julian Allsbrook.”

SENATOR ROYALL:

“We loved him. God bless him, and members of his family. We are thankful for the leadership of this great North Carolinian. He will never be replaced.”

SENATOR HARDISON:

"Mr. President, and Ladies and Gentlemen of the Senate: a lot has been said and a lot can be said and a lot should be said. But you know, I think the best way that I could sum Julian Allsbrook up, other than being a great friend, would be that he was a God-fearing man; he was a gentleman, he was a great North Carolinian, and one of the greatest Americans I've ever known."

SENATOR EDWARDS OF GUILFORD:

"So much has been said that I cannot offer much but to reiterate what has been said. Let me add when I first came to the General Assembly in 1965, I came at a rather difficult time because the — that year those of us who came from Guilford County replaced an all-Republican delegation which had been down here the previous time, and so we were all new. At that time, I had the privilege of coming to know Senator Allsbrook and became close to him because he, although he had not known me before, he was a gentleman and he took the time, as has been pointed out, to be nice to everyone, to talk to them, to counsel with them. It meant so much to me to be able at that time as a freshman to go to him at any time and know that he would give me the direction, give me the advice that I needed. He was a dear friend, and I join all of you in the Senate in mourning his loss. Thank you, Mr. President."

SENATOR WARREN:

"Thank you, Mr. President. I could say a lot about Senator Allsbrook, much of which has already been said so I won't repeat it. When you knew Senator Allsbrook by reputation and when you got to know him by serving in this Body with him, when you learned from him as a member of J-I Committee, when you observed the respect in which he was held by his fellow North Carolinians as they observed his funeral, and reflecting on all of that, I would simply say there was a man."

SENATOR BARNES OF WAYNE:

"Thank you, Mr. President. Ladies and Gentlemen of the Senate, a few minutes ago Senator Davis told you that Senator Allsbrook did not always win. None of us always wins. First time I met Senator Allsbrook, I was hired to go up in his territory, his county, and try a case. I thought I had a pretty good case — Senator Rauch — and got up there and tried the case. He was most congenial to me, and — Senator Harrington — he may not have been king up there, but the jury thought he was, in any event. When the verdict came back, it was on his side, I assure you. It got about 5:00 o'clock and Senator Allsbrook gave us some idea, of outside of this General Assembly, his courtesy. He got up and suggested to the Judge that we go on another hour or so to finish the case, which it took that afternoon, since I was so far out of town. The Judge did so at his suggestion and court stayed in until about 6:30 that afternoon, 7:00 o'clock, as a matter.

"When I came to this General Assembly, I asked first to — I came to this Senate I asked to be put on Senator Allsbrook's committee. I found him to be just as the person here that would try to accommodate you, who believed in his rights, as he was in his everyday life.

"He was a giant of a man. North Carolina will miss him, and when Senator Rauch said earlier that it's his Constitution — it's all of our Constitution, but it has his flavor in it

more than any other piece of legal paper or any other thing that this General Assembly has ever done. He was a giant of a man, and we are going to miss him."

SENATOR REDMAN:

"Mr. President and Ladies and Gentlemen of the Senate, I would be somewhat remiss if I didn't share with you a couple of things that happened with me and Senator Allsbrook the second day that I was here. When I came in as a freshman, I asked around and I said I want to know who I can go to that can tell me how to stay out of trouble, and was told, 'Well, the person that knows all the rules and knows all about the Constitution is Senator Allsbrook.' So I went down to his office and introduced myself and walked in and told him why I was there and I said, 'Now, what do I need to do in order to get along down here?' And he says, 'Well, first of all, Senator,' he says, 'get that Constitution and get a copy of the Rules and memorize both of them,' and says, 'that'll help as a start.' He says, 'The other thing that you ought to always remember is that this institution is far greater than any individual, so don't ever embarrass it.'

"Well, we — as the time went on, and the second session, he moved out of that office and I ended up inheriting his office and he had a tendency to come back over there quite often. We'd sit down; we'd discuss some of the — our military backgrounds with each other. And on one occasion we were talking about the West Point Code and he says, 'You know, probably what we ought to do some day is get involved with an ethics law that would substitute every place in that West Point Code where it says a cadet will not do such-and-such,' says, 'we ought to put in there maybe that a legislator will neither lie, cheat nor steal nor tolerate anyone who does.' And I've thought about that many times, and that would be probably as fine an ethics law as we could come up with.

"Senator Allsbrook meant a great deal to me. I went to him many, many times for guidance. His door was always open. He kept me out of a lot of trouble, I can assure you of that. But he was a man of great integrity, great principles, highest principles, and not only those of us that are remaining here can use him as an example, but particularly the young people of this State ought to study a little bit more about Senator Allsbrook, and what he meant to this State because he's a perfect example of what we all ought to be in this Body. Thank you."

LIEUTENANT GOVERNOR GREEN:

"I want to say to the Members of the Senate and to the family I appreciate very much the comments that have been made today about this great American.

"Sometimes we have more privileges than we recognize and when I realize that I did have the privilege for 21 years consecutively to serve with Senator Julian Allsbrook, I can't find the words in my vocabulary, and I've listened very attentively to all the words you've used, but I don't find enough words to express adequately my feelings about Senator Allsbrook.

"I was told once when I was five years old, and I guess I was reminded many times every day for a lot of days, that the finest tribute that could ever be paid to me or to you who are men, is for a person who knows you well and worked with you and associated with you to say that with everything else aside, he's a Christian gentleman. I can attest to the

fact that a kinder, more gracious, more knowledgeable Christian gentleman never served in this Chamber, nor walked the sod of North Carolina.

"I liked the way Julian had of getting his point across, even though he stood where maybe only two or three of you stood. It didn't bother him if just a few people saw it his way, because he believed in what he believed in and he didn't waver, but I never heard him profane nor vulgar in expressing himself to you if you disagreed with him, but I did find myself on the few occasions that maybe I did not fully agree with him, searching my soul real carefully to find out if I really believed what I was saying I believed because it bothered me if I didn't agree with Julian.

"I want you to remember, the 50 Senators who are here in the '85 and succeeding sessions of this Senate, please make it a point, some of you, to on some occasions, and I think I ought to put this in there — on some occasion, be sure to mention the Halifax Resolves or the Pasquotank Act, because each time you mention either of those the person who knew Julian Allsbrook will automatically remember him. And I'd say to the person, whomever he or she may be who succeeds me in presiding here, if it's the President Pro Tempore, who finds himself or herself appointing committees, you're going to have one more to appoint than I've had. You're going to have to appoint a Chairman of J-I. I didn't have to do that. That was automatic, and all of you in this Chamber knew it. So I just appointed the others.

"I'd say this in closing, in my personal opinion, Julian Allsbrook as a man, as a father, grandfather, citizen — and I want to see one more time just what Webster says about citizen, I'm not sure that it says enough — Julian Allsbrook gave to his people, to North Carolina, and to this Nation of ours, far more than he ever received."

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. J. R. 730, a joint resolution urging that women and racial minority citizens be appointed to State boards, commissions, and councils in numbers proportionate to their population in the State, with a favorable report.

S. B. 740, a bill to extend the freeze on the issuance of certificates of need for new intermediate care facility beds for the mentally retarded, with a favorable report.

S. B. 741, a bill to provide time to study the need for and the providing of services by home health agencies as alternatives to institutional care, with a favorable report.

S. B. 742, a bill to make final agency decisions on certificates of need appealable to the North Carolina Court of Appeals, with a favorable report.

S. B. 744, a bill to end the moratorium on nursing home construction, with a favorable report.

S. B. 774, a bill to make technical and clarifying changes to the Certificate of Need Law, with a favorable report.

S. J. R. 777, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act authorizing counties to establish cemetery service districts, with a favorable report.

S. B. 780, a bill to clarify and make technical amendments to Article 17 of Chapter 120 of the General Statutes, Confidentiality of Legislative Communications, with a favorable report.

H. J. R. 1486, a joint resolution expressing the General Assembly's disapproval and rejection of the unitary method of taxation whereby the worldwide earnings of a multinational business enterprise are subjected to State income tax, with a favorable report.

H. J. R. 1495, a joint resolution authorizing the 1984 Regular Session of the 1983 General Assembly to consider a joint resolution requesting the continuation and expansion of the statewide screening service for the detection of certain metabolic disorders, with a favorable report.

H. J. R. 1499, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act regarding the letting of contracts for airport construction and repair, with a favorable report.

H. J. R. 1531, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to regulate raffles, with a favorable report.

H. B. 1517, a bill to abolish certain executive branch boards and to consolidate the functions of certain executive branch boards, with a favorable report, as amended.

By Senator Hancock, for the **State Government Committee**:

H. B. 907, a bill to set a convening date for the 1985 Session of the General Assembly, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The followings bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Edwards of Caldwell:

S. B. 789, a bill to permit the charging of late fees on loans not secured by mortgages.
Referred to **Finance Committee**.

By Senators Marvin, Edwards of Caldwell, Gray, Tally, and Ward:

S. B. 790, a bill to clarify the procedures to insure payment of child support.
Referred to **Special Ways and Means Committee**.

By Senators Marvin, Harris of Cleveland, and Rauch:

S. B. 791, a bill to appropriate funds to the Little Theater of Gastonia, Inc., to renovate the theater auditorium.
Referred to **Appropriations Committee**.

By Senators Thomas of Henderson and Hipps:

S. B. 792, a bill to appropriate funds for a southwestern regional family violence program for Cherokee, Clay, Graham, Macon, Swain, Haywood, Jackson, Transylvania, Henderson, and Polk Counties.

Referred to **Appropriations Committee**.

By Senator Duncan:

S. B. 793, a bill to appropriate funds for the Madison-Mayodan Recreation Center.
Referred to **Appropriations Committee**.

By Senator Jenkins:

S. B. 794, a bill to appropriate funds for the James K. Polk Memorial State Historic Site.
Referred to **Appropriations Committee**.

By Senators Royall and Hancock:

S. B. 795, a bill to appropriate funds to develop a program of training and support for families of victims of Alzheimers disease.

Referred to **Appropriations Committee**.

By Senators Woodard, Hardison, Hunt, Johnson, Royall, Staton and Walker:

S. B. 796, a bill to provide funds for the purchase of a group home residence for autistic persons capable of high-level functioning.

Referred to **Appropriations Committee**.

By Senators Gray, Duncan, Edwards of Caldwell, Edwards of Guilford, Hancock, Hunt, Jordan, Martin, Marvin, Plyler, Rand, Tally, Ward, and Woodard:

S. B. 797, a bill to appropriate funds to the Frank Holder Dance Company for its statewide dance tour.

Referred to **Appropriations Committee**.

By Senator Kincaid:

S. B. 798, a bill to change the method of determining the sales price of a motor vehicle in a casual sale.

Referred to **Finance Committee**.

By Senator Barnes of Wayne:

S. B. 799, a bill to appropriate funds for Waynesborough Park in Wayne County.

Referred to **Appropriations Committee**.

By Senators Thomas of Henderson and Hips:

S. B. 800, a bill to appropriate funds for the North Carolina State University Mountain Horticultural Crops Research Station at Fletcher, North Carolina.

Referred to **Appropriations Committee**.

By Senator Hips:

S. B. 801, a bill to provide the State's share of funds for construction of National Guard armories in Jefferson, Murphy, Raleigh, and at the Raleigh-Durham Airport.

Referred to **Appropriations Committee**.

By Senator Jenkins:

S. B. 802, a bill to appropriate funds to Historic Cabarrus, Inc., for the renovation of the Old Cabarrus County Courthouse.

Referred to **Appropriations Committee.**

By Senator Jenkins:

S. J. R. 803, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to add various acts which may constitute grounds for discipline of chiropractors.

On motion of Senator Jenkins, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senator White:

S. B. 804, a bill to appropriate funds to the Marketing Division of the Department of Agriculture for the development of new markets for agricultural products and the improvement of the marketability of these products.

Referred to **Appropriations Committee.**

Senator Royall moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Royall:

S. J. R. 809, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a joint resolution memorializing Congress to allow the tobacco excise tax to drop to eight cents per pack as currently scheduled.

On motion of Senator Royall, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. J. R. 1524, a joint resolution providing for joint sessions of the House Committee on Public Utilities and the Senate Committee on Public Utilities and Energy to review the Governor's appointee to the Utilities Commission and providing for a joint session or sessions of the House of Representatives and the Senate to act on confirmation of appointment made by the Governor to membership on the North Carolina Utilities Commission.

On motion of Senator Guy, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H. J. R. 1573, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to authorize the Department of Transportation to pay for nonbetterment costs of certain water line relocations in the highway right-of-way.

Referred to **Rules and Operation of the Senate Committee.**

H. J. R. 1574, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to provide counties more time to publish a notice about certain mineral rights.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1557, a bill to amend the Charlotte Firemen's System.

Referred to **Rules and Operation of the Senate Committee**.

H. J. R. 1581, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to exempt parent-teacher associations and county boards of education from the various requirements of the raffle law.

Referred to **Rules and Operation of the Senate Committee**.

H. J. R. 1655, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to repeal or amend various statutes to conform with the North Carolina Rules of Evidence.

On motion of Senator Barnes of Wayne, the rules are suspended (electronically recorded), and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 1516, a bill to include an area within the corporate limits of the Town of Micro, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Higgs, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Woodard — 43.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 1480, a bill to exempt Cherokee County from certain procedural requirements on disposal of land as an industrial park.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1492, a bill to allow the City of Statesville to lease certain property for a period of twenty-five years.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1498, a bill to exempt the City of Washington, Beaufort County from the requirements of Article 12 of Chapter 160A of the General Statutes in connection with the conveyance of certain land to the Greater Washington Chamber of Commerce.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1501, a bill to permit the County of Pitt to lease to the Children's Services of Eastern Carolina, Inc., certain real property near the Greenville Nursing and Convalescent Home and a portion of the former Moye property, now owned by Pitt County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1515, a bill to provide local flexibility in the financing of the Industrial-Agricultural Development Commission of Lenoir County.

On motion of Senator Hardison, consideration of the bill is postponed until June 27, 1984.

H. B. 1520, a bill to repeal the statutory ban on the sale of spiritous liquors, intoxicating drinks, ale, beer, lager, porter, cider or bitters in the Town of Siler City.

The bill passes its second and third readings and is ordered enrolled.

S. B. 734 (Committee Substitute), a bill to create the North Carolina Hazardous Waste Treatment Commission, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 2, as follows:

Voting in the affirmative: Senators Alford, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Higgs, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Woodard — 41.

Voting in the negative: Senators Allred, and Barnes of Wayne — 2.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 385 (Committee Substitute), a bill authorizing a court to order procurement of a proper license.

On motion of Senator Jenkins, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1398, a bill to require an applicant for appointment of a receiver to furnish a bond payable to the adverse party.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

RE-REFERRALS

H. B. 665, a bill to amend the Corporation Income Tax Act to provide for solar tax credits for corporations engaged in service as well as manufacturing businesses.

On motion of Senator Hardison, the bill is taken from the **Appropriations Committee** and re-referred to the **Finance Committee**.

H. B. 666, a bill to amend the Individual Income Tax Act to provide for solar tax credits for individuals' service as well as manufacturing businesses.

On motion of Senator Hardison, the bill is taken from the **Appropriations Committee** and re-referred to the **Finance Committee**.

On motion of Senator Lawing, seconded by Senator Marion, the Senate adjourns in memory of Senator Julian Allsbrook to meet tomorrow 1:00 P.M.

ONE HUNDRED FORTY-EIGHTH DAY

SENATE CHAMBER,
Thursday, June 21, 1984.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we pray today for the spirit of wisdom, understanding and insight. Even the wisest of us is sometimes confused about what is right and what is wrong; or what is truly in the best interest of the people. We thank You for the gift of humility that reminds us of the need for Your wisdom, but pray that you will not let us become discouraged or overcome by indecision. Remind us each day of the power, the wisdom, and the courage that are available to us through Your Spirit. Help us to open ourselves to You in prayer and meditation, that You may fill our minds, our hearts, and our wills with the power that will never fail. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Alford for a portion of tomorrow, June 22.

Leaves of absence granted previously to Senators Childers, Staton, and Soles are noted.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 702, a joint resolution honoring the life and memory of Senator Julian R. Allsbrook. (Res. 64)

S. J. R. 778, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to provide special identification cards may be issued to any person twelve years or older by the Division of Motor Vehicles. (Res. 66)

S. J. R. 782, a joint resolution authorizing consideration of a bill relating to the theft of cable television services. (Res. 65)

S. J. R. 803, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to add various acts which may constitute grounds for discipline of chiropractors. (Res. 63)

H. B. 1480, an act to exempt Cherokee County from certain procedural requirements on disposal of land as an industrial park. (Ch. 939)

H. B. 1492, an act to allow the City of Statesville to lease certain property for a period of twenty-five years. (Ch. 940)

H. B. 1498, an act to exempt the City of Washington, Beaufort County from the

requirements of Article 12 of Chapter 160A of the General Statutes in connection with the conveyance of certain land to the Greater Washington Chamber of Commerce. (Ch. 941)

H. B. 1501, an act to permit the County of Pitt to lease to the Children's Services of Eastern Carolina, Inc., certain real property near the Greenville Nursing and Convalescent Home and a portion of the former Moye property, now owned by Pitt County. (Ch. 942)

H. B. 1520, an act to repeal the statutory ban on the sale of spiritous liquors, intoxicating drinks, ale, beer, lager, porter, cider or bitters in the Town of Siler City. (Ch. 938)

H. J. R. 1524, a joint resolution providing for joint sessions of the House Committee on Public Utilities and the Senate Committee on Public Utilities and Energy to review the Governor's appointee to the Utilities Commission and providing for a joint session or sessions of the House of Representatives and the Senate to act on confirmation of appointment made by the Governor to membership on the North Carolina Utilities Commission. (Res. 62)

H. J. R. 1655, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to repeal or amend various statutes to conform with the North Carolina Rules of Evidence. (Res. 61)

REPORTS OF COMMITTEES

Bill and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Special Ways and Means Committee**:

S. B. 543 (House Committee Substitute), a bill to regulate architects and engineers in their relations with contractors, with a favorable report as to concurrence.

S. B. 706, a bill to permit interstate banking in North Carolina on a reciprocal basis, with a favorable report.

S. B. 783, a bill to clarify the definition of an ambulatory surgical facility, with a favorable report, as amended.

H. B. 738 (Committee Substitute), a bill to provide for strict liability for damages resulting from hazardous wastes in North Carolina, with a favorable report, as amended.

H. B. 1383, a bill concerning inactive hazardous substance disposal sites, with a favorable report, as amended.

By Senator Gray for the **State Government/Senior Citizens Committee**:

S. B. 14, a bill to eliminate mandatory retirement at age 70 for persons covered under the State Employees or Local Government Employees Retirement System, with an unfavorable report as to concurrence.

On motion of Senator Gray, the rules are suspended and the bill is placed before the Senate for immediate consideration.

Senator Gray moves that the Senate do not concur in House Amendments 1 and 2, and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Harris of Cleveland, Chairman; Walker, Gray, Ward, and Barnes of Forsyth as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Marion and Duncan:

S. B. 805, a bill to appropriate funds for flood control on the Ararat River in Surry County.

Referred to **Appropriations Committee**.

By Senator Daniels:

S. B. 806, a bill to appropriate funds to the Museum of the Albemarle, the Northeastern Museum/Service Branch of the Museum of History.

Referred to **Appropriations Committee**.

By Senator Edwards of Caldwell:

S. B. 807, a bill to permit interstate mergers and acquisitions of savings and loan associations and savings and loan holding companies on a reciprocal basis within a specified region.

Referred to **Special Ways and Means Committee**.

By Senators Johnson, Staton, and Woodard:

S. B. 808, a bill to appropriate funds for the Police/Community Relations Training Program in the Department of Administration.

Referred to **Appropriations Committee**.

By Senators Winner and Swain:

S. B. 810, a bill to appropriate funds for the Belle Chere Festival in Asheville.

Referred to **Appropriations Committee**.

Senator Parnell moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator Parnell:

S. J. R. 811, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to permit non-Indians to become tenants of housing provided by the State Indian Housing Authority.

On motion of Senator Parnell, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senator Swain:

S. B. 812, a bill to appropriate funds to the Wings Cultural Program at North Carolina Correctional Center for Women.

Referred to **Appropriations Committee**.

By Senator Daniels:

S. B. 813, a bill to appropriate funds for the operation of the Aycock Brown Welcome Center.

Referred to **Appropriations Committee**.

By Senator Hipps:

S. B. 814, a bill to appropriate funds for the establishment of a Dispute Settlement Center in Henderson County.

Referred to **Appropriations Committee**.

By Senator Hipps:

S. B. 815, a bill to permit members of the Teachers' and State Employees' Retirement System to purchase service credits for employment with a local government employer and to repeal the provision for local government service credits at no cost to members with past service with a new participating employer in the Local Governmental Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

By Senator Plyler:

S. B. 816, a bill to provide funds for Poultry Disease Diagnostic Services.

Referred to **Appropriations Committee**.

By Senators Harris of Cleveland, Alford, and Thomas of Craven:

S. B. 817, a bill allowing the Department of Transportation to include a municipal street as part of the right-of-way when improving a State highway.

Referred to **Judiciary III Committee**.

By Senators Walker, Edwards of Guilford, Hancock, Hardison, Hunt, Jordan, Royall, Tally, and Woodard:

S. B. 818, a bill to appropriate funds to provide vocational training for autistic adults.

Referred to **Appropriations Committee**.

By Senators Walker, Edwards of Guilford, Hancock, Hardison, Hunt, Jordan, Royall, Tally, and Woodard:

S. B. 819, a bill to establish a group home for autistic adults.

Referred to **Appropriations Committee**.

By Senators Rand and Edwards of Caldwell:

S. B. 820, a bill to appropriate funds to the Department of Justice to provide for implementation of the Radar Act.

Referred to **Appropriations Committee**.

By Senator Lawing:

S. B. 821, a bill to change the expiration date of the Life Care Centers Certificate of Need Law.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Parnell:

S. B. 822, a bill to appropriate funds for the operation of the Tribal Economic Development Project.

Referred to **Appropriations Committee**.

By Senators Davis, Alford, Daniels, Gray, Guy, Hancock, Harris of Cleveland, Hunt, Marvin, Taylor, Walker, Ward, White, and Woodard:

S. B. 823, a bill to provide funds for poultry breeder research.

Referred to **Appropriations Committee**.

By Senators Tally, Gray, Hunt, Jenkins, Jordan, Kincaid, Marvin, Redman, Speed, Taylor, Tison, and Wright:

S. B. 824, a bill to appropriate funds for the North Carolina Student Legislature.

Referred to **Appropriations Committee**.

Senator Warren moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator Warren:

S. J. R. 828, a joint resolution to amend the Constitution and the General Statutes to change the method of selecting the members of the State Board of Education and to make the Office of the Superintendent of Public Instruction appointive.

On motion of Senator Warren, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

Senator Lawing moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senators Lawing and Tison:

S. J. R. 829, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to change the expiration date of the Life Care Centers Certificate of Need Law.

On motion of Senator Lawing, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

Senator Swain moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator Swain:

S. B. 832, a bill to provide that special identification cards may be issued to any person 12 years or older by the Division of Motor Vehicles.

Referred to **Appropriations Committee**.

RECALL FROM ENROLLING

H. B. 1398, a bill to require an applicant for appointment of a receiver to furnish a bond payable to the adverse party.

Senator Swain offers a motion that H. B. 1398 be recalled from the Enrolling Office for further consideration, which motion prevails.

Senator Swain moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

Senator Swain offers Amendment No. 1, which is adopted.

The bill, as amended, passes its third (electronically recorded) reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 1513 (Committee Substitute), a bill to change the State tax structure for commodities and services provided by certain utilities to enable individuals to deduct the taxes on these commodities and services from their federal income.

Referred to **Finance Committee**.

H. B. 1529, a bill to authorize wildlife enforcement officers to enforce the littering law in certain cases in Rutherford County.

Referred to **Special Ways and Means Committee**.

H. B. 1532, a bill to clarify the discretion of the Orange County Board of Elections in choosing a location for the additional one-stop absentee voting office approved by the General Assembly in the 1983 Regular Session.

Referred to **Special Ways and Means Committee**.

H. B. 1536, a bill to raise the force account construction limit for the City of Lumberton.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1541, a bill providing for a reduction in proposed water and sewer assessments in the City of Washington.

On motion of Senator Daniels, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1552, a bill to authorize municipalities within Mecklenburg County to enter into agreements concerning annexations.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1553, a bill relating to Charlotte uptown development projects.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1555, a bill to provide that as to the City of Charlotte, members of the City Council excused from voting shall not be included in determining the results of a vote on a zoning protest petition.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1556, a bill to amend the Charter of the City of Charlotte relating to the Auditorium-Coliseum-Civic Center Authority.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1558, a bill to increase the number of members of the Moore County Board of Alcoholic Control from three to five members and to change residency requirements.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1559, a bill to regulate road hunting in Jones County.

Referred to **Special Ways and Means Committee**.

H. B. 1560, a bill regarding discounts for payments of property tax in Lincoln County.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1561, a bill to raise the force account construction limit for Duplin County.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1562, a bill to allow Jones County to sell certain property at private sale, and to ratify an agreement under the Community Development Block Grant Program.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1605, a bill to allow members and employees of the Charlotte Redevelopment Commission to acquire property in a redevelopment area for their principal place of business.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1608, a bill to permit Alleghany County to match a grant under the Public Works Act.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1609, a bill to restore extraterritorial zoning and planning jurisdiction to the Town of Huntersville.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1610, a bill to allow the Town of Walstonburg to sell certain property at private sale.

Referred to **Special Ways and Means Committee**.

H. B. 1616, a bill to make unauthorized water connections a crime in Dare County.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1617, a bill to permit persons to engage in business as pawnbrokers in unincorporated areas of Dare County.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1624, a bill to include one satellite area within the corporate limits of the Town of Edenton.

Without objection, the rules are suspended, and the bill is placed on the Calendar for tomorrow, June 22, upon second reading.

H. B. 1626, a bill to eliminate the requirement in Durham County that cosmetologists shall employ only licensed personnel to do shampooing.

Referred to **Special Ways and Means Committee**.

H. J. R. 1663, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to amend the law relating to weight of vehicles and loads.

Referred to **Rules and Operation of the Senate Committee**.

H. J. R. 1683, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to put North Carolina in compliance with a Federal Court decision concerning straight ticket voting.

Referred to **Rules and Operation of the Senate Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 1413, a bill to prohibit full-time State employees from receiving any State retirement benefits while employed.

Referred to **Pensions and Retirement Committee**.

H. B. 1496 (Committee Substitute), a bill to modify current operations and capital

improvements appropriations for North Carolina State Government for the 1984-85 Fiscal Year and to make other changes in the budget operation of the State.

Senator Hardison offers a motion to suspend the rules to the end that the bill may be placed before the Senate for immediate consideration, which motion fails to prevail for lack of a two-thirds majority.

H. B. 1543, a bill concerning the time of election of the Chairman and Vice-Chairman of the Wake County Board of Education.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1563, a bill to allow the Town of Chapel Hill to participate in economic development projects.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1575, a bill to allow Craven County to levy a room occupancy and tourism development tax.

On motion of Senator Thomas of Craven, the rules are suspended, and the bill is placed on the Calendar for tomorrow, June 22, upon second reading.

H. B. 1576, a bill to annex property to the Town of Four Oaks.

On motion of Senator Warren, the rules are suspended, and the bill is placed on the Calendar for tomorrow, June 22, upon second reading.

H. B. 1584, a bill to allow the City of Oxford, Granville County, to make street improvements and assess without petition.

Without objection, the rules are suspended, and the bill is placed on the Calendar for tomorrow, June 22, upon second reading.

H. B. 1590, a bill to authorize and implement an occupancy tax in Cumberland County.

Without objection, the rules are suspended, and the bill is placed on the Calendar for tomorrow, June 22, upon second reading.

H. B. 1595, a bill authorizing the Town of Long Beach to levy an occupancy tax and to protect city occupancy tax returns from disclosure.

Without objection, the rules are suspended, and the bill is placed on the Calendar for tomorrow, June 22, upon second reading.

H. B. 1602, a bill to provide that the sheriff issue Lincoln County weapon permits.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1604, a bill to provide a fixed pay date for public school employees of the Kannapolis City School Administrative Unit.

Without objection, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1621, a bill to allow Guilford County to levy a room occupancy and tourism development tax.

Without objection, the rules are suspended, and the bill is placed on the Calendar for tomorrow, June 22, upon second reading.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 1516, a bill to include an area within the corporate limits of the Town of Micro, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 47.

Voting in the negative: None.

The bill is ordered enrolled.

S. B. 725, a bill to amend the Gastonia Firemen's Supplementary Pension Fund.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 734 (Committee Substitute), a bill to create the North Carolina Hazardous Waste Treatment Commission, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Forsyth, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 45.

Voting in the negative: Senators Allred and Barnes of Wayne — 2.

The Committee Substitute bill is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 1099, a bill to provide an income tax credit to farmers who permit their crops to be gleaned, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 45.

Voting in the negative: None.

The bill, as amended, remains on the Calendar, upon third reading.

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House of Representatives, pursuant to **H. J. R. 1524**, a joint resolution providing for joint sessions of the House Committee on Public Utilities and the Senate Committee on Public Utilities and Energy to review the Governor's appointee to the Utilities Commission and providing for a joint session or sessions of the House of Representatives and the Senate to act on confirmation of appointment made by the Governor to membership on the North Carolina Utilities Commission.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES

June 21, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H. J. R. 1524**, A JOINT RESOLUTION PROVIDING FOR JOINT SESSIONS OF THE HOUSE COMMITTEE ON PUBLIC UTILITIES AND THE SENATE COMMITTEE ON PUBLIC UTILITIES AND ENERGY TO REVIEW THE GOVERNOR'S APPOINTEE TO THE UTILITIES COMMISSION AND PROVIDING FOR A JOINT SESSION OR SESSIONS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ACT ON CONFIRMATION OF APPOINTMENT MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION, the House of Representatives stands ready to receive the Senate in Joint Session at 2:00 P.M. on Thursday, June 21, 1984.

Respectfully,
S/ GRACE A. COLLINS
Principal Clerk

On motion of Senator Lawing, in accordance with **H. J. R. 1524**, the Senate recesses to repair to the Hall of the House of Representatives there to sit in Joint Session, and on his further motion, upon dissolution of the Joint Session to return to the Senate Chamber for the further consideration of business.

JOINT SESSION

The Senate is received by the Members of the House of Representatives standing, and the Joint Session is called to order by Lieutenant Governor James C. Green.

The Clerk of the Senate calls the roll of the Senate, and the following Members answer the call: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Taylor, Thomas of Craven, Thomas

of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 47.

The roll-call of the House of Representatives is recorded electronically, and the following Members answer the call: Speaker Ramsey, Representatives Adams, Allran, Anderson, Auman, Ballance, Barbee, Barnes, Beall, Beam, Beard, Black, Blue, Bowen, Boyd, Brannan, Brawley, Brown, Bumgardner, Burnley, Chapin, Childress, Church, Clark, Coble, Cochrane, Colton, J. W. Crawford, N. J. Crawford, Creecy, DeVane, Diamont, Easterling, Economos, Enloe, Bob Etheridge, W. B. Ethridge, Evans, Fenner, Fletcher, Foster, Fussell, Gentry, Gillam, Gist, Greenwood, Grimsley, Hackney, Hasty, Hauser, Hayden, Helms, Hightower, Holmes, Holt, Hudson, C. Hughes, J. Hughes, Hunt, Hunter, Huskins, James, Jarrell, Jeralds, Jones, Jordan, Keesee, Kennedy, Lacey, Lambeth, Lancaster, Lee, Ligon, Lilley, Locks, Lutz, McAlister, McDowell, Mavretic, Miller, Murphy, Musselwhite, Nash, Nesbitt, Owens, Payne, Poovey, Pulley, Quinn, Redwine, Rhodes, Robinson, Seymour, Slaughter, Sparrow, Spaulding, Spoon, Stamey, Tennille, Thomas, Tyndall, Varner, Warren, Watkins, Wicker, Womble, B. P. Woodard, C. D. Woodard, and Wright — 109.

A quorum of each Body being declared present, the Joint Session proceeds with the business for which it is convened.

The President of the Senate directs the Reading Clerk of the House of Representatives to read the following message from the Governor:

State of North Carolina
Office of the Governor
Raleigh 27611

June 7, 1984

The Honorable Liston Ramsey
Speaker of the House of Representatives
North Carolina General Assembly
Raleigh, North Carolina

The Honorable Jimmy Green
Lieutenant Governor
State of North Carolina
Raleigh, North Carolina

Re: Confirmation of Charles Branford as a Member of the North Carolina Utilities Commission

Gentlemen:

On February 6, 1984, I appointed Charles Branford to fill a vacancy on the North Carolina Utilities Commission. The General Assembly was in recess at that time. Therefore, my appointment was made pursuant to the provisions of N. C. G. S. 62-10(g).

Under the provisions of N. C. G. S. 62-10(a), I now submit to the General Assembly for confirmation Charles Branford to be a member of the North Carolina Utilities Commission, for a term which will expire June 30, 1985.

I am enclosing a copy of my appointment letter, the commission of appointment, and the oath of office for Mr. Branford.

June 21, 1984

Thank you for your consideration of this matter.

My warmest personal regards.

Sincerely,
S/ JAMES B. HUNT, JR.

The President recognizes Senator Guy, Chairman of the **Senate Public Utilities and Energy Committee** and then Representative Seymour, Chairman of the **House of Representatives Public Utilities Committee**, who submit the following Committee reports:

North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27611

June 20, 1984

The Honorable James C. Green
President of the Senate
Lieutenant Governor of North Carolina
Raleigh, North Carolina 27611

Dear Mr. President:

In compliance with the provisions of G. S. 62-10(a) that nominees to fill positions on the Utilities Commission shall be subject to confirmation by the General Assembly in Joint Session, Governor Hunt has submitted for confirmation by the General Assembly the following name:

Mr. Charles E. Branford as Commissioner to succeed Mr. Leigh Hammond

The Senate Committee on Public Utilities has considered the nominee and makes the following recommendation to this Joint Session:

That the nomination of Mr. Charles E. Branford as Commissioner of the North Carolina Utilities Commission be confirmed.

Respectfully submitted,
S/ SENATOR A. D. GUY, *Chairman*
Public Utilities Committee

North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27611

June 19, 1984

The Honorable Liston B. Ramsey
Speaker of the House of Representatives
North Carolina General Assembly
Raleigh, North Carolina 27611

June 21, 1984

Dear Speaker Ramsey:

In compliance with the provisions of G. S. 62-10(a) that nominees to fill positions on the Utilities Commission shall be subject to confirmation by the General Assembly in Joint Session, Governor Hunt has submitted for confirmation by the General Assembly the following name:

Mr. Charles E. Branford as Commissioner to succeed Mr. Leigh Hammond

The House Committee on Public Utilities has considered the nominee and makes the following recommendation to this Joint Session:

That the nomination of Mr. Charles E. Branford as Commissioner of the North Carolina Utilities Commission be confirmed.

Respectfully submitted,

S/ REPRESENTATIVE MARY P. SEYMOUR
Chairman, Public Utilities Committee

Senator Guy moves that the Senate do confirm the appointment of Mr. Charles E. Branford as a member of the North Carolina Utilities Commission. Representative Seymour moves that the House of Representatives do confirm the appointment of Mr. Charles E. Branford as a member of the North Carolina Utilities Commission.

The President of the Senate orders that the roll of the House shall be taken electronically, and the roll of the Senate shall be called, after which the results of the vote of each Body shall be announced.

The motions to confirm the appointment of Mr. Charles E. Branford as a member of the North Carolina Utilities Commission prevail by the following roll-call votes:

Senate — ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 47.

Voting in the negative: None.

House of Representatives — ayes 110, noes 0, as follows: Speaker Ramsey, Representatives Adams, Allran, Anderson, Auman, Barbee, Barnes, Beall, Beam, Beard, Berry, Black, Blue, Bowen, Boyd, Brannan, Brawley, Brown, Bumgardner, Burnley, Chapin, Childress, Church, Clark, Coble, Cochrane, Colton, J. W. Crawford, N. J. Crawford, Creecy, DeVane, Diamont, Easterling, Economos, Enloe, Bob Etheridge, W. B. Ethridge, Evans, Fenner, Fletcher, Foster, Fussell, Gentry, Gillam, Gist, Greenwood, Grimsley, Hackney, Hasty, Hauser, Hayden, Helms, Hightower, Holmes, Holt, Hudson, C. Hughes, J. Hughes, Hunt, Hunter, Huskins, James, Jarrell, Jeralds, Jones, Jordan, Keesee, Kennedy, Lacey, Lambeth, Lancaster, Lee, Ligon, Lilley, Locks, Lutz, McAlister, McDowell, Mauney, Mavretic, Miller, Murphy, Musselwhite, Nash, Nesbitt, Owens, Payne, Poovey, Pulley, Quinn, Redwine, Rhodes, Robinson, Seymour, Slaughter, Sparrow, Spaulding, Spoon, Stamey, Tennille, Thomas, Tyndall, Varner, Warren, Watkins, Wicker, Womble, B. P. Woodard, C. D. Woodard, and Wright — 110.

Voting in the negative: None.

Having received a majority of votes of both Houses, the appointment of Mr. Charles E. Branford as a member of the North Carolina Utilities Commission is confirmed.

It is ordered by the President of the Senate that the Governor be notified of the action of the General Assembly, sitting in Joint Session, upon the confirmation of the appointment of Mr. Charles E. Branford as a member of the North Carolina Utilities Commission.

On motion of Senator Lawing, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate returns to its Chamber.

The Senate resumes consideration of its regular business.

CALENDAR (Continued)

(The Chair declares the voting equipment inoperative for a portion of today's Session.)

S. B. 728, a bill to reduce the fee rate for administration of estates.

Without objection, Senator Harris of Cleveland is excused from voting (electronically recorded) for the following reason: "Conflict of Interest".

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. J. R. 730, a joint resolution urging that women and racial minority citizens be appointed to State boards, commissions, and councils in numbers proportionate to their population in the State.

Senator Harris of Cleveland offers Amendment No. 1, which is adopted (electronically recorded).

The joint resolution, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 731, a bill to provide an additional tax exemption for parents of individuals with cystic fibrosis.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 737, a bill to provide a sales tax exemption for legal tender and precious metal bullion.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 740, a bill to extend the freeze on the issuance of certificates of need for new intermediate care facility beds for the mentally retarded.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 741, a bill to provide time to study the need for and the providing of services by home health agencies as alternatives to institutional care.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 742, a bill to make final agency decisions on certificates of need appealable to the North Carolina Court of Appeals.

Senator Barnes of Wayne offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 744, a bill to end the moratorium on nursing home construction.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 750, a bill to phase out over a five-year period the tax on intangible personal property that is now classified and taxed at specific rates, and to provide funds to partially compensate local governments for the revenue loss.

Senator Higgs offers Amendment No. 1 which is adopted.

On motion of Senator Daniels the bill is ordered engrossed and re-referred to the **Appropriations Committee**.

S. B. 758, a bill to create a public employee supplemental income retirement plan.

On motion of Senator Harris of Mecklenburg, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 774, a bill to make technical and clarifying changes to the Certificate of Need Law.

Senator Lawing offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second reading.

Senator Rand offers Amendment No. 2 which is adopted.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. J. R. 777, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act authorizing counties to establish cemetery service districts.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 780, a bill to clarify and make technical amendments to Article 17 of Chapter 120 of the General Statutes, Confidentiality of Legislative Communications.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 541 (Committee Substitute), a bill to provide an income tax credit for the purchase of conservation tillage equipment for agriculture and forestry.

On motion of Senator Redman, consideration of the bill is postponed until June 22, 1984.

H. B. 907, a bill to set a convening date for the 1985 Session of the General Assembly.

The bill passes its second and third readings and is ordered enrolled.

H. J. R. 1486, a joint resolution expressing the General Assembly's disapproval and rejection of the unitary method of taxation whereby the worldwide earnings of a multinational business enterprise are subjected to State income tax.

The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 1495, a joint resolution authorizing the 1984 Regular Session of the 1983 General Assembly to consider a joint resolution requesting the continuation and expansion of the statewide screening service for the detection of certain metabolic disorders. The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 1499, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act regarding the letting of contracts for airport construction and repair.

The joint resolution passes its second and third readings and is ordered enrolled.

H. B. 1517, a bill to abolish certain executive branch boards and to consolidate the functions of certain executive branch boards.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. J. R. 1531, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to regulate raffles.

The joint resolution passes its second and third readings and is ordered enrolled.

RECOMMITTAL

H. B. 738 (Committee Substitute), a bill to provide for strict liability for damages resulting from hazardous wastes in North Carolina.

On motion of Senator Swain the rules are suspended and the Committee Substitute bill is taken from the Calendar for tomorrow, June 22, and recommitted to the **Special Ways and Means Committee**.

On motion of Senator Lawing, seconded by Senator Marvin, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED FORTY-NINTH DAY

SENATE CHAMBER,
Friday, June 22, 1984.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Samuel A. Burgess, First Presbyterian Church, Garner, as follows:

"Our Father: We thank You for our legislators.

"As this week draws near its conclusion we give thanks for the worthwhile things they have accomplished for the people of our State and ask that You bless and cause their actions to prosper.

"We ask Your pardon for any things that could have been achieved but were not.

"Help them to make their deliberations today productive so that they may adjourn with the sense of satisfaction that comes from work well done.

"Grant to each a safe journey home to family and friends, peace and a restful weekend that will enable them to return Monday with fresh insight and renewed strength for the tasks which they have to perform. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Alford for a portion of today.

Leaves of absence granted previously to Senators Soles, Childers, and Staton are noted.

The President declares the voting equipment inoperative.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 738, an act to lease certain property for a period of ninety-nine years. (Ch. 944)

S. B. 752, an act to limit the power of eminent domain which may be exercised by the Gastonia Airport Authority. (Ch. 945)

S. B. 756, an act to regulate road hunting in Henderson County. (Ch. 946)

S. B. 757, an act to permit disposition of redeveloped properties by the City of Goldsboro on a basis other than the highest monetary bid where such disposition is found to serve the best interest of the City and to dispose of the property at private sale. (Ch. 947)

S. B. 762, an act to allow the Durham City Board of Education to pay its ten-month employees on or before the fifteenth of each month. (Ch. 948)

H. B. 907, an act to set a convening date for the 1985 Session of the General Assembly. (Ch. 949)

H. B. 1516, an act to include an area within the corporate limits of the Town of Micro. (Ch. 943)

H. B. 1536, an act to raise the force account construction limit for the City of Lumberton. (Ch. 950)

H. J. R. 1486, a joint resolution expressing the General Assembly's disapproval and rejection of the unitary method of taxation whereby the worldwide earnings of a multinational business enterprise are subjected to State income tax. (Res. 67)

H. J. R. 1495, a joint resolution authorizing the 1984 Regular Session of the 1983 General Assembly to consider a joint resolution requesting the continuation and expansion of the statewide screening service for the detection of certain metabolic disorders. (Res. 68)

H. J. R. 1499, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act regarding the letting of contracts for airport construction and repair. (Res. 69)

CALENDARED

S. B. 503 (Committee Substitute), a bill to amend the time of execution of persons sentenced to death, reported from the **Judiciary I Committee** on July 5, 1983, and on July 13, 1983 by motion ordered to be placed on the Calendar on a date to be determined by the Chair, is placed on today's Calendar for consideration.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar as follows:

By Senator Hardison for the **Appropriations Committee**:

S. B. 750, a bill to phase out over a five-year period the tax on intangible personal property that is now classified and taxed at specific rates, and to provide funds to partially compensate local governments for the revenue loss, with a favorable report.

On motion of Senator Lawing, the rules are suspended and the bill is placed on today's Calendar for consideration.

By Senator Barnes of Wayne for the **Judiciary III Committee**:

S. B. 817, a bill allowing the Department of Transportation to include a municipal street as part of the right-of-way when improving a State highway, with a favorable report, as amended.

On motion of Senator Barnes of Wayne, the rules are suspended and the bill is placed on today's Calendar for consideration.

H. B. 474 (Committee Substitute), a bill to allow attorney's fees award in certain civil cases, with a favorable report, as amended.

By Senator Swain for the **Special Ways and Means Committee**:

S. B. 790, a bill to clarify the procedures to insure payment of child support, with a favorable report.

S. B. 807, a bill to permit interstate mergers and acquisitions of savings and loan associations and savings and loan holding companies on a reciprocal basis within a specified region, with a favorable report.

H. B. 1529, a bill to authorize wildlife enforcement officers to enforce the littering law in certain cases in Rutherford County, with a favorable report.

H. B. 1532, a bill to clarify the discretion of the Orange County Board of Elections in choosing a location for the additional one-stop absentee voting office approved by the General Assembly in the 1983 Regular Session, with a favorable report.

H. B. 1559, a bill to regulate road hunting in Jones County, with a favorable report.

H. B. 1610, a bill to allow the Town of Walstonburg to sell certain property at private sale, with a favorable report.

H. B. 1626, a bill to eliminate the requirement in Durham County that cosmetologists shall employ only licensed personnel to do shampooing, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Walker, Alford, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Speed, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Ward, Warren, White, Winner, and Woodard:

S. J. R. 825, a joint resolution memorializing Congress and the President in support of comprehensive social security disability reform.

On motion of Senator Walker, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senator Plyler:

S. B. 826, a bill to permit the purchase of retirement service credits in the Teachers' and State Employees' Retirement System for prior part-time service.

Referred to **Pensions and Retirement Committee**.

By Senators Jordan, Davis, Duncan, Edwards of Guilford, Gray, Hancock, Hunt, Johnson, Marvin, Plyler, Rand, Royall, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, and Woodard:

S. B. 827, a bill to appropriate funds for the Natural Heritage Program.

Referred to **Appropriations Committee**.

By Senator Jenkins:

S. J. R. 830, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to amend G. S. 20-309 pertaining to the reregistration of a vehicle after revocation of the license plate for failure to maintain financial responsibility.

On motion of Senator Jenkins, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senator Jenkins:

S. B. 831, a bill to add various acts which may constitute grounds for discipline of chiropractors.

On motion of Senator Jenkins, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senators Martin, Edwards of Guilford, and Gray:

S. B. 833, a bill to appropriate funds to One Step Further, Inc.
Referred to **Appropriations Committee**.

By Senators Martin, Edwards of Guilford, and Gray:

S. B. 834, a bill to appropriate funds to the Southeast Council on Crime and Delinquency.

Referred to **Appropriations Committee**.

By Senators Martin, Edwards of Guilford, and Gray:

S. B. 835, a bill to appropriate funds to the William Penn Foundation, Inc.
Referred to **Appropriations Committee**.

By Senators Martin, Edwards of Guilford, and Gray:

S. B. 836, a bill to appropriate funds to the Gate City Junior Tennis Academy.
Referred to **Appropriations Committee**.

By Senators Woodard, Johnson, and Staton:

S. B. 837, a bill to reinstate funding for merit increments for State employees.
Referred to **Appropriations Committee**.

By Senators Woodard and Johnson:

S. B. 838, a bill to appropriate funds to operate the Gethsemane-Rainbow Partnership in Wake County.

Referred to **Appropriations Committee**.

Senator Royall moves that the Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Royall:

S. B. 846, a bill to create the North Carolina Commission on the Bicentennial of the United States Constitution.

Referred to **Appropriations Committee**.

Senator Hipps moves that Rule 40 be suspended to allow the introduction of the following bill which motion prevails by a two-thirds majority vote.

By Senator Hipps:

S. B. 848, a bill to validate the failure to hold a sanitary district election in 1983.

On motion of Senator Hipps, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 470 (House Committee Substitute), a bill to clarify the law regarding corneal tissue removal, for concurrence in the House Committee Substitute bill.

Referred to **Special Ways and Means Committee**.

H. B. 1654, a bill to direct the Departments of Labor, Crime Control and Public Safety, Natural Resources and Community Development, and Human Resources to study aspects of the hazardous substances right-to-know issue.

Referred to **Special Ways and Means Committee**.

H. J. R. 1670, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to include registered political committees in the list of organizations allowed to conduct licensed raffles.

Referred to **Special Ways and Means Committee**.

H. B. 1676, a bill to require that tax liens be advertised in a newspaper only one time instead of four times.

Referred to **Finance Committee**.

H. J. R. 1694, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to reenact former statutory authority for public sewerage systems to exercise the power of eminent domain.

Referred to **Rules and Operation of the Senate Committee**.

H. J. R. 1704, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to increase various medical license and registration fees collected by the Board of Medical Examiners of the State of North Carolina.

Referred to **Finance Committee**.

H. J. R. 1713, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider three administration bills.

On motion of Senator Royall, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 1717, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to modify the application of the moratorium on nursing home certificates of need.

Referred to **Special Ways and Means Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 503 (Committee Substitute), a bill to amend the time of execution of persons sentenced to death.

On motion of Senator Harris of Cleveland, the Committee Substitute bill is re-referred to the **Special Ways and Means Committee**.

S. B. 543 (House Committee Substitute), a bill to regulate architects and engineers in their relations with contractors, for concurrence in the House Committee Substitute bill.

On motion of Senator Swain, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 706, a bill to permit interstate banking in North Carolina on a reciprocal basis.

Without objection, the following Senators are excused from voting for the following reasons:

Senator Barnes of Forsyth: "Direct conflict of interest."

Senator Edwards of Guilford: "Possible conflict of interest."

The bill passes its second and third readings and is ordered without objection, sent to the House of Representatives by special messenger.

S. B. 750, a bill to phase out over a five-year period the tax on intangible personal property that is now classified and taxed at specific rates, and to provide funds to partially compensate local governments for the revenue loss.

Senator Winner offers Amendment No. 1. On motion of Senator Lawing, seconded by Senator Gray, Amendment No. 1 is tabled.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 783, a bill to clarify the definition of an ambulatory surgical facility.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 817, a bill allowing the Department of Transportation to include a municipal street as part of the right-of-way when improving a State highway.

On motion of Senator Barnes of Wayne, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

Senator Allred requests to be recorded voting "no."

H. B. 541 (Committee Substitute), a bill to provide an income tax credit for the purchase of conservation tillage equipment for agriculture and forestry.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1099, a bill to provide an income tax credit to farmers who permit their crops to be gleaned, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Speed, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 43.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1383, a bill concerning inactive hazardous substance disposal sites.

On motion of Senator Allred, consideration of the bill is postponed until Tuesday, June 26.

H. B. 1496 (Committee Substitute), a bill to modify current operations and capital improvements appropriations for North Carolina State Government for the 1984 - 85 Fiscal Year and to make other changes in the budget operation of the State.

Senator Harris of Cleveland offers Amendment No. 1 which he subsequently withdraws.

Senator Harris of Cleveland offers Amendment No. 2 which he subsequently withdraws.

Senator Allred offers Amendment No. 3 which fails of adoption.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

Senator Allred requests to be recorded voting "no."

H. B. 1575, a bill to allow Craven County to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 3, as follows:

Voting in the affirmative: Senators Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Royall, Speed, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 39.

Voting in the negative: Senators Allred, Kincaid, and Redman — 3.

The bill remains on the Calendar upon third reading.

H. B. 1576, a bill to annex property to the Town of Four Oaks, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Speed, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 42.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 1584, a bill to allow the City of Oxford, Granville County, to make street improvements and assess without petition, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Speed, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 42.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 1590, a bill to authorize and implement an occupancy tax in Cumberland County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 3, as follows:

Voting in the affirmative: Senators Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Royall, Speed, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 39.

Voting in the negative: Senators Allred, Kincaid, and Redman — 3.

The bill remains on the Calendar upon third reading.

H. B. 1595, a bill authorizing the Town of Long Beach to levy an occupancy tax and to protect city occupancy tax returns from disclosure, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 3, as follows:

Voting in the affirmative: Senators Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Royall, Speed, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 39.

Voting in the negative: Senators Allred, Kincaid, and Redman — 3.

The bill remains on the Calendar upon third reading.

H. B. 1621, a bill to allow Guilford County to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 3, as follows:

Voting in the affirmative: Senators Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Royall, Speed, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 39.

Voting in the negative: Senators Allred, Kincaid, and Redman — 3.

The bill remains on the Calendar upon third reading.

H. B. 1624, a bill to include one satellite area within the corporate limits of the Town of Edenton, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Speed, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 42.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 705, a joint resolution authorizing consideration of a bill validating sanitary district actions. (Res. 71)

S. J. R. 809, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a joint resolution memorializing Congress to allow the tobacco excise tax to drop to eight cents per pack as currently scheduled. (Res. 72)

H. J. R. 1531, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to regulate raffles. (Res. 70)

H. B. 1541, an act providing for a reduction in proposed water and sewer assessments in the City of Washington. (Ch. 951)

H. B. 1543, an act concerning the time of election of the Chairman and Vice-Chairman of the Wake County Board of Education. (Ch. 952)

H. B. 1552, an act to authorize municipalities within Mecklenburg County to enter into agreements concerning annexations. (Ch. 953)

H. B. 1553, an act relating to Charlotte uptown development projects. (Ch. 954)

H. B. 1555, an act to provide that as to the City of Charlotte, members of the City Council excused from voting shall not be included in determining the results of a vote on a zoning protest petition. (Ch. 955)

H. B. 1556, an act to amend the Charter of the City of Charlotte relating to the Auditorium-Coliseum-Civic Center Authority. (Ch. 956)

H. B. 1558, an act to increase the number of members on the Moore County Board of Alcoholic Control from three to five members and to change residency requirements. (Ch. 957)

H. B. 1560, an act regarding discounts for payments of property tax in Lincoln County. (Ch. 958)

H. B. 1561, an act to raise the force account construction limit for Duplin County. (Ch. 959)

H. B. 1562, an act to allow Jones County to sell certain property at private sale, and to ratify an agreement under the Community Development Block Grant Program. (Ch. 960)

H. B. 1563, an act to allow the Town of Chapel Hill to participate in economic development projects. (Ch. 961)

H. B. 1602, an act to provide that the sheriff issue Lincoln County weapon permits. (Ch. 962)

H. B. 1604, an act to provide a fixed pay date for public school employees of the Kannapolis City School Administrative Unit. (Ch. 963)

H. B. 1605, an act to allow members and employees of the Charlotte Redevelopment

Commission to acquire property in a redevelopment area for their principal place of business. (Ch. 964)

H. B. 1608, an act to permit Allegheny County to match a grant under the Public Works Act. (Ch. 965)

H. B. 1609, an act to restore extraterritorial zoning and planning jurisdiction to the Town of Huntersville. (Ch. 966)

H. B. 1616, an act to make unauthorized water connections a crime in Dare County. (Ch. 967)

H. B. 1617, an act to permit persons to engage in business as pawnbrokers in unincorporated areas of Dare County. (Ch. 968)

H. J. R. 1713, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider three administration bills. (Res. 73)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Duncan for the Finance Committee:

S. B. 629, a bill to eliminate the fee for special civil air patrol plates, with a favorable report.

S. B. 746, a bill to increase the income and property limits for the homestead exemption and to offset the resulting revenue loss by increasing the percentage of the homestead exemption for which counties and cities are reimbursed, with a favorable report.

H. B. 665, a bill to amend the Corporation Income Tax Act to provide for solar tax credits for corporations engaged in service as well as manufacturing businesses, with a favorable report, as amended.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Duncan, the bill, as amended, is referred to the **Appropriations Committee**.

H. B. 666, a bill to amend the Individual Income Tax Act to provide for solar tax credits for individuals' service as well as manufacturing businesses, with favorable report, as amended.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Duncan, the bill, as amended, is re-referred to the **Appropriations Committee**.

H. B. 1482, a bill to change the method of determining the sales price of a motor vehicle in a casual sale and eliminate the requirement that the sales price of a motor vehicle in a casual sale be based on the book value of the vehicle, with a favorable report, as amended.

H. B. 1484, a bill to exempt from sales and use taxes component parts of and sales by printers of free circulation publications, with a favorable report, as amended.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Duncan, the bill, as amended, is re-referred to the **Appropriations Committee**.

H. B. 89, a bill to eliminate double taxation of income in respect of a decedent, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Duncan, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Senate Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 14

HOUSE OF REPRESENTATIVES

June 21, 1984

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendments to **S. B. 14**, a bill to be entitled an act TO ELIMINATE MANDATORY RETIREMENT AT AGE 70 FOR PERSONS COVERED UNDER THE STATE EMPLOYEES OR LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM, the Speaker has appointed as conferees on the part of the House, Representatives Economos, Chairman; Thomas, Lancaster, Tyson, N. J. Crawford to act with a like committee on the part of the Senate to the end that the difference existing between the two bodies may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

H. B. 1525, a bill to provide for an election in the northeasternmost part of Dare County on the question of establishing a Duck Area Beautification District and to provide for the levy and collection of property taxes in this district.

Without objection, the rules are suspended, and the bill is placed on the Calendar for Monday, June 25, upon second reading.

H. B. 1528, a bill to expand the Polk County Board of Commissioners from three to five members.

Without objection, the rules are suspended, and the bill is placed on the Calendar for Monday, June 25.

H. B. 1591, a bill to provide for the election of the members of the Weldon City Board of Education.

Without objection, the rules are suspended, and the bill is placed on the Calendar for Monday, June 25.

H. B. 1603 (Committee Substitute), a bill to provide for the sale of clean detergents in North Carolina.

Referred to **Special Ways and Means Committee**.

H. B. 1619 (Committee Substitute), a bill changing the method of distribution of the New Hanover County occupancy tax.

Without objection, the rules are suspended, and the Committee Substitute bill is placed on the Calendar for Monday, June 25.

H. B. 1676

HOUSE OF REPRESENTATIVES

June 21, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body requesting the return of House Bill 1676, AN ACT TO REQUIRE THAT TAX LIENS BE ADVERTISED IN A NEWSPAPER ONLY ONE TIME INSTEAD OF FOUR TIMES, for further consideration by the House of Representatives.

Respectfully,

GRACE A. COLLINS

Principal Clerk

Without objection, the rules are suspended, and the bill is withdrawn from the **Finance Committee** and returned to the House of Representatives for further consideration.

On motion of Senator Lawing, seconded by Senator Duncan, the Senate adjourns to meet Monday at 8:00 P.M.

ONE HUNDRED FIFTIETH DAY

SENATE CHAMBER,

Monday, June 25, 1984.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Mondays make us think of new beginnings, Lord, and so this night we pray that as we begin this phase of our life together You will continue with us as a source of strength and hope. We confess that we are too likely to dwell in the past, reliving past glories or sorrowing over past mistakes. Help us to learn from what has gone before in our lives, but to focus our energy on the present and the future, remembering that now and tomorrow are the only bits of time over which we have any control. Help us to seize the moment, not for what we may do for ourselves alone, but for what we might accomplish for Your glory. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Barnes of Forsyth for today and to Senator Childers for the remainder of the Session.

A leave of absence granted previously to Senator Soles is noted.

The President recognizes the following pages serving in the Senate this week: Lisa Anderson, Charlotte; Patrick Archie, Raleigh; Thomas C. Brannon, Cary; Cindy Brewer, Mebane; Kevin Franklin Brewer, Charlotte; Tammy Bunn, Zebulon; Avery Chapell, Raleigh; Jennifer Michelle Clark, Salisbury; Amy Elizabeth Ensey, Vilas; Nancy Lorrin Freeman, Greensboro; Julie Ann Gollberg, Asheville; Ellen Greene, Mt. Airy; Amy Gunn, Cary; Elizabeth Hipps, Waynesville; Derek Gerard Holland, Raleigh; Susan Briles Johnson, Raleigh; Jim Kerr, Waxhaw; John Paul Kincaid, Lenoir; Gerald Thomas McClure, Charlotte; Patch Renegar, Wilmington; Angie Shropshire, Asheboro; Pedro Thomas, Hendersonville; Kisa Willis, New Bern; Shawn David Wood, Jacksonville; and Christopher Conrad Wyrick, Greensboro.

The Chair declares the voting equipment inoperative for a portion of today's Session.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 543 (House Committee Substitute), an act to regulate architects and engineers in their relations with contractors. (Ch. 970)

S. J. R. 811, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to permit non-Indians to become tenants of housing provided by the State Indian Housing Authority. (Res. 74)

S. J. R. 829, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to change the expiration date of the Life Care Centers Certificate of Need Law. (Res. 75)

H. B. 541 (Committee Substitute), an act to provide an income tax credit for the purchase of conservation tillage equipment for agriculture and forestry. (Ch. 969)

H. B. 1496 (Committee Substitute), an act to modify current operations and capital improvements appropriations for North Carolina State Government for the 1984 - 85 Fiscal Year and to make other changes in the budget operation of the State. (Ch. 971)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Edwards of Caldwell:

S. B. 839, a bill to appropriate funds for development and planning for a community center for fire and rescue in Jonas Ridge Community of Burke County.

Referred to **Appropriations Committee**.

By Senators Walker and Hunt:

S. B. 840, a bill to appropriate funds for a Randolph County Forestry Headquarters.
Referred to **Appropriations Committee**.

By Senator Walker:

S. B. 841, a bill to appropriate funds to the Randolph Prison Chaplaincy Program,
Incorporated.

Referred to **Appropriations Committee**.

By Senator Lawing:

S. B. 842, a bill to appoint a person to public office upon the recommendation of the
President Pro Tempore of the Senate.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Marion:

S. B. 843, a bill to appropriate funds for the restoration and development of greater
Mount Airy.

Referred to **Appropriations Committee**.

By Senator Daniels:

S. B. 844, a bill to provide funds to promote the birthplace of powered flight.

Referred to **Appropriations Committee**.

By Senator Staton:

S. B. 845, a bill to amend the present law relating to the theft of cable television
services.

Referred to **Special Ways and Means Committee**.

By Senators Lawing and Tison:

S. B. 847, a bill to change the expiration date of the Life Care Centers Certificate of
Need Law.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Gray, Edwards of Guilford, Hunt, Jordan, Martin, Marvin, Tally, Walker,
and Woodard:

S. B. 849, a bill to appropriate funds for the Triad Home for Autistic Adolescents in
High Point, Guilford County.

Referred to **Appropriations Committee**.

By Senator White:

S. B. 850, a bill to appropriate funds for personnel for the Eastern Office of the
Department of Cultural Resources, Division of Archives and History, in Greenville.

Referred to **Appropriations Committee**.

By Senator Thomas of Craven:

S. B. 851, a bill to appropriate funds for a boating access area at Cedar Island.

Referred to **Appropriations Committee**.

Senator Hardison moves that Rule 40 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator Hardison:

S. B. 852, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects by constituent institutions of the University of North Carolina.

On motion of Senator Hardison, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

Senator Swain moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senators Winner and Swain:

S. B. 854, a bill to appropriate funds for the masters program in Industrial Engineering at the University of North Carolina at Asheville.

Referred to **Appropriations Committee**.

Senator Rand moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator Rand:

S. J. R. 855, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to authorize the County of Cumberland to sell industrial sites in its industrial park without utilizing the formal bid requirements of Article 12 of Chapter 160A of the North Carolina General Statutes.

On motion of Senator Rand, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

Senator Edwards of Caldwell moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senator Edwards of Caldwell:

S. B. 856, a bill to appropriate funds to 421 West Sanitary District in Wilkes County. Referred to **Appropriations Committee**.

Senator Rauch moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senators Rauch and Winner:

S. B. 857, a bill to appropriate funds for the North Carolina Council on the Holocaust for operational expenses.

Referred to **Appropriations Committee**.

Senator Swain moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senators Swain and Winner:

S. B. 858, a bill to appropriate funds for the Western North Carolina Agricultural Center at Fletcher, North Carolina.

Referred to **Appropriations Committee**.

Senator Royall offers a motion that Rule 40 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion fails for lack of a two-thirds majority vote (electronically recorded).

By Senator Royall:

S. J. R. 859, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to propose amendments to the Constitution to provide a single six-year term for the Governor and Lieutenant Governor and a single four-year term for the Governor and Lieutenant Governor.

The joint resolution remains in filed status.

Senator Parnell moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote (electronically recorded).

By Senators Parnell, Edwards of Guilford, and Walker:

S. B. 862, a bill to permit non-Indians to become tenants of housing provided by the State Indian Housing Authority.

Referred to **Special Ways and Means Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 88, a bill to raise the annual gift tax exclusion from three thousand dollars to ten thousand dollars.

Referred to **Finance Committee**.

H. B. 104, a bill to allow one spouse to apply both his gift tax annual exclusion and his spouse's annual exclusion to gifts made to anyone other than his spouse.

Referred to **Finance Committee**.

H. B. 158, a bill to increase the inheritance tax credit for Class A beneficiaries.

Referred to **Finance Committee**.

H. B. 650, a bill to provide a fuel tax refund to solid waste compacting vehicles for the amount of fuel consumed by the vehicle in compacting waste.

Referred to **Finance Committee**.

H. B. 1500, a bill to create a Public Employee Supplemental Income Retirement Plan. On motion of Senator Harris of Mecklenburg, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1518, a bill to extend the sunset provisions in G. S. 147-16.2 to all boards and councils created by executive officials.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1535, a bill to rewrite the statute under which nonpublic post-secondary educational institutions may be licensed to conduct post-secondary degree activity in North Carolina.

Referred to **Special Ways and Means Committee**.

H. B. 1547, a bill to provide for a four-year term for the Mayor of the Town of Fair Bluff and staggered four-year terms for the Town Board of Commissioner.

Referred to **Special Ways and Means Committee**.

H. B. 1554, a bill to amend the Charter of Charlotte relating to excusing members of council from voting.

Referred to **Special Ways and Means Committee**.

H. B. 1567, a bill to enact the Elementary and Secondary School Reform Act of 1984.

Referred to **Special Ways and Means Committee**.

H. B. 1572, a bill authorizing Cherokee County to levy a room occupancy and tourism development tax.

Referred to **Finance Committee**.

H. B. 1588, a bill to provide special elections for filling vacancies on the Lumberton City Council and for Mayor.

Referred to **Special Ways and Means Committee**.

H. B. 1594, a bill to amend the distribution of proceeds from the operation of liquor stores in the Town of Calabash.

Referred to **Special Ways and Means Committee**.

H. B. 1596, a bill limiting the trapping season in Brunswick County.

Referred to **Special Ways and Means Committee**.

H. B. 1597, a bill to authorize the Town of Ocean Isle Beach to levy special assessments to meet a portion of the cost of constructing sewage collection and treatment facilities prior to construction completion of such system.

Referred to **Special Ways and Means Committee**.

H. B. 1615, a bill authorizing the City of Lumberton to levy a transient occupancy tax.

Referred to **Special Ways and Means Committee**.

H. B. 1623, a bill regarding discounts for prepayment of property taxes levied by the Town of Broadway in Lee County.

Referred to **Special Ways and Means Committee**.

H. B. 1625, a bill to incorporate the Town of Shallotte Point, subject to a referendum.
Referred to **Special Ways and Means Committee**.

H. B. 1633, a bill to amend the Sedimentation Pollution Control Act of 1973.
Referred to **Special Ways and Means Committee**.

H. B. 1657, a bill to direct the Wildlife Resources Commission to study the role of alcohol and drugs in recreational boating and the need for implementing recommendations of the National Transportation Safety Board.
Referred to **Rules and Operation of the Senate Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 1544, a bill to grant a six percent increase in the retirement allowances of beneficiaries in the North Carolina Local Governmental Employees' Retirement System payable beginning July 1, 1984.
Referred to **Pensions and Retirement Committee**.

H. B. 1632, a bill to permit the purchase of retirement service credits in the Teachers' and State Employees' Retirement System for prior part-time service.
Referred to **Pensions and Retirement Committee**.

H. B. 1658, a bill to repeal statutes relating to the North Carolina Water Safety Committee and Water Safety Council.
Referred to **Special Ways and Means Committee**.

H. B. 1681, a bill to merge the Uniform Judicial, Uniform Solicitorial and Uniform Clerks of Superior Court Retirement Systems into the Consolidated Judicial Retirement System.
Referred to **Pensions and Retirement Committee**.

H. J. R. 1737, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to establish the North Carolina Advisory Council on the Eastern Band of the Cherokee.
Referred to **Rules and Operation of the Senate Committee**.

H. J. R. 1738, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to improve the collection of criminal history information in North Carolina.
Referred to **Rules and Operation of the Senate Committee**.

H. B. 1739, a bill to repeal or amend various statutes to conform with the North Carolina Rules of Evidence.
Referred to **Special Ways and Means Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar as follows:

By Senator Swain for the **Special Ways and Means Committee**:

S. B. 470 (House Committee Substitute), a bill to clarify the law regarding corneal tissue removal, with a favorable report as to concurrence.

H. J. R. 1670, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to include registered political committees in the list of organizations allowed to conduct licensed raffles, with a favorable report.

H. J. R. 1717, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to modify the application of the moratorium on Nursing Home Certificates of Need, with a favorable report.

S. B. 745, a bill to clarify the confidentiality requirements in the declaration of domiciliary home residents' rights, with a favorable report, as amended.

H. B. 738 (Committee Substitute), a bill to provide for strict liability for damages resulting from hazardous wastes in North Carolina, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 738** (Senate Committee Substitute), a bill to authorize the Legislative Research Commission to study the issue of strict liability for damages resulting from hazardous wastes in North Carolina, is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 26.

RECONSIDERATION

S. B. 852, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects by constituent institutions of the University of North Carolina.

Senator Hardison moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

Senator Hardison moves that the vote by which the bill passed its second reading be reconsidered, which motion prevails.

The Chair rules that the bill requires a call of the roll.

The bill is placed on the Calendar for tomorrow, upon second reading.

WITHDRAWAL FROM COMMITTEE

H. J. R. 1704, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to increase various medical license and registration fees collected by the Board of Medical Examiners of the State of North Carolina.

On motion of Senator Staton, the rules are suspended (electronically recorded), and the joint resolution is taken from the **Finance Committee** and is placed on the Calendar for today.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 629, a bill to eliminate the fee for special civil air patrol plates.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 790, a bill to clarify the procedures to insure payment of child support.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

S. B. 807, a bill to permit interstate mergers and acquisitions of savings and loan associations and savings and loan holding companies on a reciprocal basis within a specified region.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 474, (Committee Substitute), a bill to allow attorney's fees award in certain civil cases.

On motion of Senator Barnes of Wayne, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) reading.

On objection of Senator Barnes of Wayne to its third reading the Committee Substitute bill, as amended, remains on the Calendar, upon third reading.

H. B. 1482, a bill to change the method of determining the sales price of a motor vehicle in a casual sale and eliminate the requirement that the sales price of a motor vehicle in a casual sale be based on the book value of the vehicle, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 44.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration, upon third reading.

H. B. 1525, a bill to provide for an election in the northeasternmost part of Dare County on the question of establishing a Duck Area Beautification District and to provide for the levy and collection of property taxes in this district, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rauch, Redman, Royall, Speed, Staton, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 42.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 1528, a bill to expand the Polk County Board of Commissioners from three to five members.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1529, a bill to authorize wildlife enforcement officers to enforce the littering law in certain cases in Rutherford County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1532, a bill to clarify the discretion of the Orange County Board of Elections in choosing a location for the additional one-stop absentee voting office approved by the General Assembly in the 1983 Regular Session.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1559, a bill to regulate road hunting in Jones County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1575, a bill to allow Craven County to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 3, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 40.

Voting in the negative: Senators Allred, Kincaid, and Redman — 3.

The bill is ordered enrolled.

H. B. 1576, a bill to annex property to the Town of Four Oaks, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 43.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1584, a bill to allow the City of Oxford, Granville County, to make street improvements and assess without petition, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 43.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1590, a bill to authorize and implement an occupancy tax in Cumberland County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes, 3, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 40.

Voting in the negative: Senators Allred, Kincaid, and Redman — 3.

The bill is ordered enrolled.

H. B. 1591, a bill to provide for the election of the members of the Weldon City Board of Education.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1595, a bill authorizing the Town of Long Beach to levy an occupancy tax and to protect city occupancy tax returns from disclosure, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 3, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 40.

Voting in the negative: Senators Allred, Kincaid, and Redman — 3.

The bill is ordered enrolled.

H. B. 1610, a bill to allow the Town of Walstonburg to sell certain property at private sale.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1619 (Committee Substitute), a bill changing the method of distribution of the New Hanover County occupancy tax.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1621, a bill to allow Guilford County to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 3, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 40.

Voting in the negative: Senators Allred, Kincaid, and Redman — 3.

The bill is ordered enrolled.

H. B. 1624, a bill to include one satellite area within the corporate limits of the Town of Edenton, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes, 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne,

Daniels, Davis, Duncan, Edwards of Guilford, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Lawing, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 43.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1626, a bill to eliminate the requirement in Durham County that cosmetologists shall employ only licensed personnel to do shampooing.

The bill passes its second and third readings and is ordered enrolled.

H. J. R. 1704, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to increase various medical license and registration fees collected by the Board of Medical Examiners of the State of North Carolina.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 732, a bill to revise the Charter of the Town of Orrum, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 26.

H. B. 1676, a bill to require that tax liens be advertised in a newspaper only one time instead of four times.

Referred to **Special Ways and Means Committee**.

H. B. 1682, a bill clarifying the scope of the property tax exemption for special nuclear materials.

Referred to **Finance Committee**.

H. J. R. 1723, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to codify certain crimes and defenses.

On motion of Senator Swain, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 1752, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to exempt certain salesmen from the licensing requirement of the North Carolina Time Share Act.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed on the Calendar for today.

The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 1753, a joint resolution requesting the continuation and expansion of the statewide screening service for the detection of certain neonatal metabolic disorders.

On motion of Senator Lawing, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

On motion of Senator Lawing, seconded by Senator Harris of Cleveland, the Senate adjourns to meet tomorrow at 1:00 P. M.

ONE HUNDRED FIFTY-FIRST DAY

SENATE CHAMBER,
Tuesday, June 26, 1984.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend James H. Miller, First United Methodist Church, Cary, as follows:

"O God, our Father; 400 years of history and experience have given us so many evidences of Your guidance to our ancestors on these shores, to nations and individuals; that we should not doubt Your power or Your willingness to direct us. Give us the faith to believe that when You want us to do or not to do any particular thing, You find a way of letting us know it.

"May the members of this legislative body be willing to be led by You, even to make difficult and unpopular decisions, that Your will may be done in and through them for the good of this State, the preservation of its marvelous natural resources, and the benefit of its people.

"This we ask in Jesus' name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Barnes of Forsyth and Harris of Mecklenburg for today and to Senator Guy for Wednesday through Friday, June 27 - 29.

A leave of absence granted previously to Senator Childers is noted.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 734 (Committee Substitute), an act to create the North Carolina Hazardous Waste Treatment Commission. (Ch. 973)

S. B. 766, an act to rename State Highway 704 as the "Wesley D. Webster Highway." (Ch. 974)

S. J. R. 777, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act authorizing counties to establish cemetery service districts. (Res. 76)

S. J. R. 825, a joint resolution memorializing Congress and the President in support of comprehensive social security disability reform. (Res. 77)

S. J. R. 830, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to amend G. S. 20-309 pertaining to the reregistration of a vehicle after revocation of the license plate for failure to maintain financial responsibility. (Res. 82)

H. B. 385 (Committee Substitute), an act authorizing a court to order procurement of a proper license. (Ch. 972)

H. B. 1500, an act to create a Public Employee Supplemental Income Retirement Plan. (Ch. 975)

H. B. 1528, an act to expand the Polk County Board of Commissioners from three to five members. (Ch. 976)

H. B. 1529, an act to authorize wildlife enforcement officers to enforce the littering law in certain cases in Rutherford County. (Ch. 977)

H. B. 1532, an act to clarify the discretion of the Orange County Board of Elections in choosing a location for the additional one-stop absentee voting office approved by the General Assembly in the 1983 Regular Session. (Ch. 978)

H. B. 1559, an act to regulate road hunting in Jones County. (Ch. 979)

H. B. 1575, an act to allow Craven County to levy a room occupancy and tourism development tax. (Ch. 980)

H. B. 1576, an act to annex property to the Town of Four Oaks. (Ch. 981)

H. B. 1584, an act to allow the City of Oxford, Granville County, to make street improvements and assess without petition. (Ch. 982)

H. B. 1590, an act to authorize and implement an occupancy tax in Cumberland County. (Ch. 983)

H. B. 1591, an act to provide for the election of the members of the Weldon City Board of Education. (Ch. 984)

H. B. 1595, an act authorizing the Town of Long Beach to levy an occupancy tax and to protect city occupancy tax returns from disclosure. (Ch. 985)

H. B. 1610, an act to allow the Town of Walstonburg to sell certain property at private sale. (Ch. 986)

H. B. 1619 (Committee Substitute), an act changing the method of distribution of the New Hanover County occupancy tax. (Ch. 987)

H. B. 1621, an act to allow Guilford County to levy a room occupancy and tourism development tax. (Ch. 988)

H. B. 1624, an act to include one satellite area within the corporate limits of the Town of Edenton. (Ch. 989)

H. B. 1626, an act to eliminate the requirement in Durham County that cosmetologists shall employ only licensed personnel to do shampooing. (Ch. 990)

H. J. R. 1704, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to increase various medical license and registration fees collected by the Board of Medical Examiners of the State of North Carolina. (Res. 78)

H. J. R. 1723, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to codify certain crimes and defenses. (Res. 79)

H. J. R. 1752, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to exempt certain salesmen from the licensing requirement of the North Carolina Time Share Act. (Res. 80)

H. J. R. 1753, a joint resolution requesting the continuation and expansion of the statewide screening service for the detection of certain neonatal metabolic disorders. (Res. 81)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

H. B. 1483, a bill regarding refunds of tax paid on gasohol and other alcohol fuels, with a favorable report.

H. B. 1485, a bill repealing various obsolete tax statutes and making technical corrections to the revenue laws, with a favorable report.

H. B. 1488, a bill authorizing the Secretary of Revenue to employ collection agencies to collect taxes due this State from tax payers located outside the State, with a favorable report.

H. J. R. 1504, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act regarding limitations on State financial aid to airports, with a favorable report.

H. J. R. 1510, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act regarding federal assistance in the purchase of navigational aids for North Carolina airports, with a favorable report.

By Senator Swain for the **Special Ways and Means Committee**:

S. B. 845, a bill to amend the present law relating to the theft of cable television services, with a favorable report.

S. B. 862, a bill to permit non-Indians to become tenants of housing provided by the State Indian Housing Authority, with a favorable report.

H. B. 1535, a bill to rewrite the statute under which nonpublic post-secondary educational institutions may be licensed to conduct post-secondary degree activity in North Carolina, with a favorable report.

H. B. 1547, a bill to provide for a four-year term for the Mayor of the Town of Fair Bluff and staggered four-year terms for the Town Board of Commissioner, with a favorable report.

H. B. 1554, a bill to amend the Charter of Charlotte relating to excusing members of council from voting, with a favorable report.

H. B. 1588, a bill to provide special elections for filling vacancies on the Lumberton City Council and for Mayor, with a favorable report.

H. B. 1594, a bill to amend the distribution of proceeds from the operation of liquor stores in the Town of Calabash, with a favorable report.

H. B. 1596, a bill limiting the trapping season in Brunswick County, with a favorable report.

H. B. 1597, a bill to authorize the Town of Ocean Isle Beach to levy special assessments to meet a portion of the cost of constructing sewage collection and treatment facilities prior to construction completion of such system, with a favorable report.

H. B. 1615, a bill authorizing the City of Lumberton to levy a transient occupancy tax, with a favorable report.

H. B. 1623, a bill regarding discounts for prepayment of property taxes levied by the Town of Broadway in Lee County, with a favorable report.

H. B. 1625, a bill to incorporate the Town of Shallotte Point, subject to a referendum, with a favorable report.

H. B. 1633, a bill to amend the Sedimentation Pollution Control Act of 1973, with a favorable report.

H. B. 1676, a bill to require that tax liens be advertised in a newspaper only one time instead of four times, with a favorable report.

H. B. 1332 (Committee Substitute), a bill to require that a person ordered to attend D.W.I. school shall attend the school in the county of residence unless extenuating circumstances exist, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Senate Committee Substitute bill which changes the title to read, **H. B. 1332** (Senate Committee Substitute), a bill to be entitled an act to require that a person ordered to attend D.W.I. school shall attend the school in the county of residence unless extenuating circumstances exist and to exempt district attorneys from the obligation to pay bar dues, is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 27.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hipps:

S. B. 853, a bill to appropriate funds for a management study of the Nantahala Gorge. Referred to **Appropriations Committee**.

By Senator Royall:

S. J. R. 859, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to

consider a bill to be entitled an act to propose amendments to the Constitution to provide a single six-year term for the Governor and Lieutenant Governor and a single four-year term for the Governor and Lieutenant Governor.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Thomas of Henderson and Hipps:

S. B. 860, a bill to appropriate funds for the establishment of a dispute settlement center in Macon County.

Referred to **Appropriations Committee.**

By Senators Thomas of Henderson and Hipps:

S. B. 861, a bill to appropriate funds for the establishment of a dispute settlement center in Cherokee County.

Referred to **Appropriations Committee.**

By Senators Thomas of Henderson and Hipps:

S. B. 863, a bill to appropriate funds for the establishment of a dispute settlement center in Haywood County.

Referred to **Appropriations Committee.**

By Senators Hipps and Thomas of Henderson:

S. B. 864, a bill to appropriate funds for the establishment of a dispute settlement center in Henderson County.

Referred to **Appropriations Committee.**

By Senators Thomas of Henderson and Hipps:

S. B. 865, a bill to appropriate funds for the establishment of a dispute settlement center in Jackson County.

Referred to **Appropriations Committee.**

By Senators Thomas of Henderson and Hipps:

S. B. 866, a bill to appropriate funds for the establishment of a dispute settlement center in Swain County.

Referred to **Appropriations Committee.**

By Senators Thomas of Henderson and Hipps:

S. B. 867, a bill to appropriate funds for the establishment of a dispute settlement center in Polk County.

Referred to **Appropriations Committee.**

By Senators Thomas of Henderson and Hipps:

H. B. 868, a bill to appropriate funds for the establishment of a dispute settlement in Clay County.

Referred to **Appropriations Committee.**

By Senators Thomas of Henderson and Hipps:

S. B. 869, a bill to appropriate funds for the establishment of a dispute settlement center in Transylvania County.

Referred to **Appropriations Committee**.

By Senators Thomas of Henderson and Hipps:

S. B. 870, a bill to appropriate funds for the establishment of a dispute settlement center in Graham County.

Referred to **Appropriations Committee**.

By Senators Marvin, Harris of Cleveland, and Rauch:

S. B. 871, a bill to appropriate funds for the Lincoln Arts Council.

Referred to **Appropriations Committee**.

Senator Lawing moves that Rule 40 be suspended (electronically recorded) to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Thomas of Henderson and Hipps:

S. B. 872, a bill to appropriate funds for the Bates House Rape Crisis Center.

Referred to **Appropriations Committee**.

Senator Lawing moves that Rule 40 be suspended (electronically recorded) to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Hipps and Thomas of Henderson:

S. B. 873, a bill to appropriate funds for the Haywood Educational Enrichment Program.

Referred to **Appropriations Committee**.

Senator Lawing moves that Rule 40 be suspended (electronically recorded) to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Hipps and Thomas of Henderson:

S. B. 874, a bill to appropriate funds for a wildlife hatchery.

Referred to **Appropriations Committee**.

Senator Lawing moves that Rule 40 be suspended (electronically recorded) to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Hipps and Thomas of Henderson:

S. B. 875, a bill to appropriate funds to the Haywood Repertory Theater.

Referred to **Appropriations Committee**.

Senator Lawing moves that Rule 40 be suspended (electronically recorded) to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Hipps and Thomas of Henderson:

S. B. 876, a bill to appropriate funds for the Waynesville Armory Renovation.
Referred to **Appropriations Committee**.

Senator Thomas of Henderson moves that Rule 40 be suspended (electronically recorded) to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Thomas of Henderson and Hipps:

S. B. 877, a bill authorizing counties to establish cemetery service districts.

On motion of Senator Thomas of Henderson, the rules are suspended (electronically recorded) and the bill is placed on the Calendar for Wednesday, June 27, upon second reading.

Senator Jenkins moves that Rule 40 be suspended (electronically recorded) to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Lawing, Alford, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Kincaid, Marion, Martin, Parnell, Plyler, Rand, Rauch, Redman, Soles, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Ward, White, Winner, and Wright:

S. B. 878, a bill to phase out over three years the State subsidy for local officers in the Law Enforcement Officers Retirement System.
Referred to **Appropriations Committee**.

Senator Jenkins moves that Rule 40 be suspended (electronically recorded) to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Jenkins:

S. B. 880, a bill to amend G. S. 20-309 pertaining to reregistration of a vehicle after revocation of the license plate for failure to maintain financial responsibility.
Referred to **Special Ways and Means Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 1525, a bill to provide for an election in the northeasternmost part of Dare County on the question of establishing a Duck Area Beautification District and to provide for the levy and collection of property taxes in this district, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hardison, Harrington, Hipps, Hunt, Jenkins, Johnson, Marion, Martin, Marvin, Parnell, Rand, Rauch, Redman, Soles, Speed, Staton, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Warren, White, Winner, Woodard, and Wright — 36.

Voting in the negative: None.

The bill is ordered enrolled.

S. B. 732, a bill to revise the Charter of the Town of Orrum, for concurrence in House Amendment No. 1.

On motion of Senator Parnell, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

H. B. 1482, a bill to change the method of determining the sales price of a motor vehicle in a casual sale and eliminate the requirement that the sales price of a motor vehicle in a casual sale be based on the book value of the vehicle, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 44.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S. B. 852, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects by constituent institutions of the University of North Carolina, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rauch, Redman, Royall, Soles, Speed, Staton, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 43.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

H. B. 474 (Committee Substitute), a bill to allow attorney's fees award in certain civil cases, as amended, upon third reading.

Senator Martin offers Amendment No. 2.

On motion of Senator Barnes of Wayne, the Committee Substitute bill, as amended, with pending Amendment No. 2, is recommitted to the **Judiciary III Committee**.

S. B. 745, a bill to clarify the confidentiality requirements in the declaration of domiciliary home residents' rights.

On motion of Senator Gray, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

H. B. 738 (Senate Committee Substitute), a bill to authorize the Legislative Research Commission to study the issue of strict liability for damages resulting from hazardous wastes in North Carolina.

Senator Swain offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, is ordered, without objection, engrossed and rereferred to the **Appropriations Committee**.

H. B. 1383, a bill concerning inactive hazardous substance disposal sites.

On motion of Senator Plyler, consideration of the bill is postponed until Wednesday, June 27.

H. J. R. 1670, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to include registered political committees in the list of organizations allowed to conduct licensed raffles.

The joint resolution passes its second (electronically recorded) and third readings. The joint resolution is ordered enrolled.

H. J. R. 1717, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to modify the application of the moratorium on nursing home certificates of need.

The joint resolution passes its second (electronically recorded) and third readings. The joint resolution is ordered enrolled.

S. B. 470 (House Committee Substitute), a bill to clarify the law regarding corneal tissue removal, for concurrence in the House Committee Substitute bill.

On motion of Senator Swain, the Senate concurs (electronically recorded) in the House Committee Substitute bill and the bill is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1754, a bill to regulate raffles.

Referred to **Special Ways and Means Committee**.

RE-REFERRAL

H. B. 1369, a bill to enlarge the Mooresville City School District.

On motion of Senator Redman the bill is taken from the **State Government Committee** and re-referred to the **Special Ways and Means Committee**.

On motion of Senator Lawing, seconded by Senator Royall, the Senate adjourns to meet tomorrow at 1:00 P. M.

ONE HUNDRED FIFTY-SECOND DAY

SENATE CHAMBER,
Wednesday, June 27, 1984.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Rabbi Yussi Groner as follows:

"Adon Ho'adonim. Melech Ha'olomim

"Master of Masters, King of the Universe. Bless this great assemblage with Your kindness. Share Your wisdom with us. Impart of Your knowledge with those who work with true devotion for the benefit of the people of this great State.

"Bestow peace, goodness and blessing, life, graciousness, kindness and mercy upon us. May we find grace in Your eyes, and be worthy of Your blessing. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Courtesies of the gallery are extended to James Holshouser of Moore County, former Governor of North Carolina, and to P. C. Collins, former member of the House of Representatives from Surry County.

A leave of absence granted previously to Senator Childers is noted.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 470 (House Committee Substitute), an act to clarify the law regarding corneal tissue removal. (Ch. 992)

S. B. 732, an act to revise the Charter of the Town of Orrum. (Ch. 993)

S. B. 735, an act to amend the Charter of the City of Lumberton relating to uptown development projects. (Ch. 996)

S. B. 739, an act to annex certain property to the City of Jacksonville. (Ch. 997)

S. B. 740, an act to extend the freeze on the issuance of certificates of need for new intermediate care facility beds for the mentally retarded. (Ch. 998)

S. B. 741, an act to provide time to study the need for and the providing of services by home health agencies as alternatives to institutional care. (Ch. 999)

S. B. 742, an act to make final agency decisions on certificates of need appealable to the North Carolina Court of Appeals. (Ch. 1000)

S. B. 744, an act to end the moratorium on nursing home construction. (Ch. 1001)

S. B. 774, an act to make technical and clarifying changes to the Certificate of Need Law. (Ch. 1002)

H. B. 1398, an act to require an applicant for appointment of a receiver to furnish a bond payable to the adverse party. (Ch. 994)

H. B. 1517, an act to abolish certain executive branch boards and to consolidate the functions of certain executive branch boards. (Ch. 995)

H. B. 1525, an act to provide for an election in the northeasternmost part of Dare County on the question of establishing a Duck Area Beautification District and to provide for the levy and collection of property taxes in this district. (Ch 991)

H. J. R. 1670, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to include registered political committees in the list of organizations allowed to conduct licensed raffles. (Res. 83)

H. J. R. 1717, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to modify the application of the moratorium on nursing home certificates of need. (Res. 84)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Thomas of Henderson and Hipps:

S. B. 879, a bill to direct the Board of Agriculture to develop a proposed State grading system for apples and a plan to bring the farmers market in Cherokee County under the State Marketing Authority and to appropriate funds for that purpose.

Referred to **Appropriations Committee**.

By Senator Edwards of Caldwell:

S. B. 881, a bill to appropriate funds for the Granite Falls Recreation Center.

Referred to **Appropriations Committee**.

By Senators Thomas of Craven and Daniels:

S. B. 882, a bill to provide additional funding for temporary openings of shellfish growing waters

Referred to **Appropriations Committee**.

By Senator Marion:

S. B. 883, a bill to appropriate funds for a Watauga County Senior Citizens Center.

Referred to **Appropriations Committee**.

Senator Hancock moves that Rule 40 be suspended (electronically recorded) to allow the introduction and referral to committee of the following joint resolution, which motion prevails by two-thirds majority vote.

By Senator Hancock:

S. J. R. 884, a joint resolution authorizing the 1984 Regular Session of the 1983 General Assembly to consider a bill to be entitled an act to permit a District Board of Health to be composed of at least fifteen but no more than eighteen members.

On motion of Senator Hancock, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

Senator Hancock moves that Rule 40 be suspended (electronically recorded) to allow

the introduction and referral to committee of the following bill, which motion prevails by two-thirds majority vote.

By Senators Hancock and Royall:

S. B. 887, a bill to appropriate funds to the Department of Human Resources for Fiscal Year 1984 - 85 to be used to support the provision of resources to health professionals and parents of hearing impaired children.

Referred to **Appropriations Committee**.

Senator Swain offers a motion that Rule 40 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion he subsequently withdraws.

By Senator Swain:

S. J. R. 889, a joint resolution authorizing 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to put North Carolina in compliance with a Federal Court decision concerning straight ticket voting.

Senator Swain offers a motion that Rule 40 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion he subsequently withdraws.

By Senator Swain:

S. J. R. 890, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to establish the North Carolina Advisory Council on the Eastern Band of the Cherokee.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 1526 (Committee Substitute), a bill to permit regulation of sand dunes by Kitty Hawk, Kill Devil Hills, Nags Head and Southern Shores.

Referred to **Special Ways and Means Committee**.

H. B. 1587, a bill to provide for the maintenance of health education facilities.

Referred to **Rules and Operation of the Senate Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 1583 (Committee Substitute), a bill to permit the Granville County Commissioners to regulate shining lights in deer areas.

Referred to **Special Ways and Means Committee**.

H. B. 1630, a bill to amend the conflict of interest law relating to hospitals.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1768, a bill regarding the letting of contracts for airport construction and repair.

Referred to **Special Ways and Means Committee**.

H. B. 1777, a bill to increase various medical license and registration fees collected by the Board of Medical Examiners of the State of North Carolina.

Referred to **Finance Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for **Finance Committee**:

H. B. 88, a bill to raise the annual gift tax exclusion from three thousand dollars to ten thousand dollars, with a favorable report.

H. B. 104, a bill to allow one spouse to apply both his gift tax annual exclusion and his spouse's annual exclusion to gifts made to anyone other than his spouse, with a favorable report.

H. B. 650, a bill to provide a fuel tax refund to solid waste compacting vehicles for the amount of fuel consumed by the vehicle in compacting waste, with a favorable report.

H. B. 1572, a bill authorizing Cherokee County to levy a room occupancy and tourism development tax, with a favorable report.

H. B. 1513 (Committee Substitute), a bill to change the State tax structure for commodities and services provided by certain utilities to enable individuals to deduct the taxes on these commodities and services from their federal income, with a favorable report, as amended.

By Senator Harris of Cleveland for the **Human Resources Committee**:

H. B. 370 (Committee Substitute), a bill to provide a licensing program for Hospices, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris of Cleveland, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Harris of Cleveland, the Senate Committee Substitute bill is placed on the Calendar for today (electronically recorded).

By Senator Plyler for the **Pensions and Retirement Committee**:

S. B. 776, a bill to amend the law permitting temporary State employment to be purchased as creditable service in the Teachers' and State Employees' Retirement System, with a favorable report.

S. B. 815, a bill to permit members of the Teachers' and State Employees' Retirement System to purchase service credits for employment with a local government employer and to repeal the provision for local government service credits at no cost to members with past service with a new participating employer in the Local Governmental Employees' Retirement System, with a favorable report.

H. B. 1632, a bill to permit the purchase of retirement service credits in the Teachers'

and State Employees' Retirement System for prior part-time service, with a favorable report.

H. B. 1681, a bill to merge the Uniform Judicial, Uniform Solicitorial and Uniform Clerks of Superior Court Retirement Systems into the Consolidated Judicial Retirement System, with a favorable report.

H. B. 1544, a bill to grant a six percent increase in the retirement allowances of beneficiaries in the North Carolina Local Governmental Employees' Retirement System payable beginning July 1, 1984, with a favorable report, as amended.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. B. 842, a bill to appoint a person to public office upon the recommendation of the President Pro Tempore of the Senate, with a favorable report.

S. B. 847, a bill to change the expiration date of the Life Care Centers Certificate of Need Law, with a favorable report.

By Senator Swain for the **Special Ways and Means Committee:**

S. B. 880, a bill to amend G. S. 20-309 pertaining to reregistration of a vehicle after revocation of the license plate for failure to maintain financial responsibility, with a favorable report.

H. B. 1754, a bill to regulate raffles, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Rules and Operation of the Senate Committee.**

H. B. 1283 (Committee Substitute), a bill to limit cities in their requirements for dedication of water systems as part of subdivision regulations applicable to areas outside of the city limits, with a favorable report, as amended.

H. B. 1369, a bill to enlarge the Mooresville City School District, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 1369** (Senate Committee Substitute), a bill relating to the three school systems in Iredell County, is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for today.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 1701, a bill to permit assignments of State employees' wages made to meet child support obligations.

Referred to **Special Ways and Means Committee.**

H. B. 1709 (Committee Substitute), a bill to protect the public interest in the sale or lease of public hospital facilities.

Referred to **State Government Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 1697, a bill to exempt from inheritance tax one-half the amount of certain personal property held by a husband and wife as joint tenants with right of survivorship.

Referred to **Finance Committee**.

H. B. 1771, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects by constituent institutions of the University of North Carolina.

On motion of Senator Hardison, the rules are suspended, and the bill is placed on the Calendar for tomorrow, upon second reading.

H. B. 1772, a bill relating to bond issuance and assessments.

On motion of Senator Hardison, the rules are suspended, and the bill is placed on the Calendar for tomorrow, upon second reading.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 1597, a bill to authorize the Town of Ocean Isle Beach to levy special assessments to meet a portion of the cost of constructing sewage collection and treatment facilities prior to construction completion of such system, upon second reading.

On motion of Senator Swain, the bill is recommitted to the **Special Ways and Means Committee**.

H. B. 1615, a bill authorizing the City of Lumberton to levy a transient occupancy tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 2, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Tison, Walker, Ward, Warren, White, Woodard, and Wright — 40.

Voting in the negative: Senators Allred and Kincaid — 2.

The bill remains on the Calendar upon third reading.

H. B. 1625, a bill to incorporate the Town of Shallotte Point, subject to a referendum, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Warren, White, Winner, Woodard, and Wright — 45.

Voting in the negative: None.

The bill remains on the Calendar upon third reading.

H. B. 1515, a bill to provide local flexibility in the financing of the Industrial-Agricultural Development Commission of Lenoir County.

On motion of Senator Hardison, the bill is recommitted to the **Local Government and Regional Affairs Committee**.

H. B. 1547, a bill to provide for a four-year term for the Mayor of the Town of Fair Bluff and staggered four-year terms for the Town Board of Commissioner.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1554, a bill to amend the Charter of Charlotte relating to excusing members of council from voting.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1588, a bill to provide special elections for filling vacancies on the Lumberton City Council and for Mayor.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1594, a bill to amend the distribution of proceeds from the operation of liquor stores in the Town of Calabash.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1596, a bill limiting the trapping season in Brunswick County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1623, a bill regarding discounts for prepayment of property taxes levied by the Town of Broadway in Lee County.

The bill passes its second and third readings and is ordered enrolled.

S. B. 852, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects by constituent institutions of the University of North Carolina, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, and Wright — 44.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 877, a bill authorizing counties to establish cemetery service districts.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Guy, Hancock, Hardison, Harris of Mecklenburg, Hipps, Hunt, Jenkins, Johnson, Jordan, Marion, Martin, Marvin, Parnell, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 42.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

S. B. 845, a bill to amend the present law relating to the theft of cable television services.

Senator Staton offers Amendment No. 1 which is adopted. (electronically recorded)

On motion of Senator Edwards of Caldwell, the bill, as amended, is recommitted to the **Special Ways and Means Committee**.

S. B. 862, a bill to permit non-Indians to become tenants of housing provided by the State Indian Housing Authority.

The bill passes its second (electronically recorded) and third readings and is ordered without objection, sent to the House of Representatives by special messenger.

H. B. 1332 (Senate Committee Substitute), a bill to require that a person ordered to attend D. W. I. school shall attend the school in the county of residence unless extenuating circumstances exist and to exempt district attorneys from the obligation to pay bar dues.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1383, a bill concerning inactive hazardous substance disposal sites.

Senator Swain offers Amendment No. 1 which is adopted.

On motion of Senator Hardison, the bill, as amended, is re-referred to the **Appropriations Committee**.

H. B. 1483, a bill regarding refunds of tax paid on gasohol and other alcohol fuels.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1485, a bill repealing various obsolete tax statutes and making technical corrections to the revenue laws.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1488, a bill authorizing the Secretary of Revenue to employ collection agencies to collect taxes due this State from tax payers located outside the State.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. J. R. 1504, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act regarding limitations on State financial aid to airports.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. J. R. 1510, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act regarding federal assistance in the purchase of navigational aids for North Carolina airports.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1535, a bill to rewrite the statute under which nonpublic post-secondary educational institutions may be licensed to conduct post-secondary degree activity in North Carolina.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1633, a bill to amend the Sedimentation Pollution Control Act of 1973.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1676, a bill to require that tax liens be advertised in a newspaper only one time instead of four times.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1369 (Senate Committee Substitute), a bill relating to the three school systems in Iredell County.

The Chair rules the Senate Committee Substitute bill does not require a call of the roll.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill, without objection, by special messenger.

H. B. 370 (Senate Committee Substitute), a bill to provide a licensing program for Hospices.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill, without objection, by special messenger.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes of Wayne for the **Judiciary III Committee**:

H. B. 474 (Committee Substitute), a bill to allow attorney's fees award in certain civil cases, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes of Wayne, the rules are suspended and the Senate Committee Substitute bill which changes the title to read **H. B. 474** (Senate Committee Substitute), a bill to allow the awarding of attorney's fees in certain civil cases, is placed before the Senate for immediate consideration.

On motion of Senator Barnes of Wayne, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, June 28.

CONFERENCE REPORT

S. B. 14

Senator Harris of Cleveland, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 14**, a bill to eliminate mandatory retirement at age 70 for persons covered under the State Employees or Local Government Employees Retirement System, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on SENATE BILL 14 A BILL TO BE ENTITLED AN ACT TO ELIMINATE MANDATORY RETIREMENT AT AGE 70 FOR PERSONS COVERED UNDER THE STATE EMPLOYEES OR LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM, wish to report as follows:

The Senate concurs in House Amendment #1.

The Senate concurs in House Amendment #2 with the following amendments:

- (1) in lines 1 and 2 of the amendment, delete "sections" and insert in lieu thereof "section"
- (2) in line 7 of the amendment, delete "and clerical"
- (3) on pages 1 and 2 of the amendment delete proposed Section 3
- (4) on page 1, line 8 of the bill, delete "January 1" and insert "October 1"
- (5) on line 3 of the Amendment #2, change "Sec. 2" to "Sec. 2.1."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of 1984.

S/ OLLIE HARRIS
S/ RICHARD BARNES
S/ RACHEL GRAY
S/ MARVIN WARD
S/ RUSSELL WALKER
*Conferees on the part
of the Senate*

S/ GUS ECONOMOS
S/ MARTIN LANCASTER
S/ BETTY THOMAS
S/ HENRY TISON

*Conferees on the part of the
House of Representatives*

On motion of Senator Harris of Cleveland, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
June 27, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to General Statutes 126-2, the House of Representatives has confirmed the nomination of Mr. W. H. Lyon of Creedmoor, North Carolina, as a member of the State Personnel Commission.

Respectfully,
S/ GRACE A. COLLINS
Principal Clerk

The Chair declares the Senate in recess until 4:00 P. M. for the purpose of committee meetings.

AFTERNOON SESSION — 4:00 P. M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. J. R. 1504, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act regarding limitations on State financial aid to airports. (Res. 85)

H. J. R. 1510, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act regarding federal assistance in the purchase of navigational aids for North Carolina airports. (Res. 86)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Staton for the **State Government Committee**:

H. B. 578, a bill to provide that the Wake County ABC Board consist of five members, with a favorable report.

On motion of Senator Staton, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill, passes its second and third readings and is ordered enrolled.

Senator Staton moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

Senator Staton offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1709 (Committee Substitute), a bill to protect the public interest in the sale or lease of public hospital facilities, with a favorable report.

By Senator Swain for the **Special Ways and Means Committee**:

H. B. 1526 (Committee Substitute), a bill to permit regulation of sand dunes by Kitty Hawk, Kill Devil Hills, Nags Head and Southern Shores, with a favorable report.

H. B. 1583 (Committee Substitute), a bill to authorize an extension to two miles of the extraterritorial planning jurisdiction of the City of Oxford, with a favorable report.

H. B. 1768, a bill regarding the letting of contracts for airport construction and repair, with a favorable report.

H. B. 1261, a bill to provide workers' compensation for farm workers on farms with ten or more workers, with a favorable report, as amended.

H. B. 1365 (Committee Substitute), a bill to amend the powers and duties of the Utilities Commission, with a favorable report, as amended.

H. B. 1567, a bill to enact the Elementary and Secondary School Reform Act of 1984, with a favorable report, as amended.

On motion of Senator Swain, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Committee Amendment No. 1 is adopted.

Senator Warren offers Amendment No. 2 which is adopted (electronically recorded).

Senator Harris of Cleveland offers Amendment No. 3 which is adopted (electronically recorded).

Senator Soles offers Amendment No. 4 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) reading.

On objection of Senator Royall to its third reading the bill, as amended, remains on the Calendar for further consideration.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 687 (Committee Substitute), a bill to allow the purchase of creditable service for State and local government employment by members of the Uniform Judicial, Solicitorial and Clerks of Superior Court Retirement Systems at a cost equal to the full actuarial liability.

Referred to **Pensions and Retirement Committee**.

H. B. 1491, a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1736 (Committee Substitute), a bill to modify the coverage under the Group Life Insurance plans for members of the Teachers' and State Employees', Local Governmental Employees' and Law Enforcement Officers' Retirement Systems so as to cause insurance proceeds to be payable on account of the death of any member within six months after leaving pay status for any reason at no cost to the retirement systems or State.

Referred to **Pensions and Retirement Committee**.

H. J. R. 1776, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to clarify amendments to the Safe Driver Insurance Plan.

Referred to **Special Ways and Means Committee**.

S. B. 14

HOUSE OF REPRESENTATIVES

June 27, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on S. B. No. 14,

A BILL TO BE ENTITLED AN ACT TO ELIMINATE MANDATORY RETIREMENT AT AGE 70 FOR PERSONS COVERED UNDER THE STATE EMPLOYEES OR LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

The bill is ordered enrolled.

H. B. 80 (Committee Substitute), a bill to modify current operations and capital improvements appropriations for North Carolina State Government for the 1984-85 Fiscal Year and to make other changes in the budget operation of the State.

On motion of Senator Hardison, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Ballenger offers Amendment No. 1 which fails of adoption (electronically recorded).

Senator Royall offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill as amended, passes its second and third readings (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2, without objection, by special messenger.

The Chair directs the Reading Clerk to read:

APPOINTMENT BY THE GOVERNOR

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

June 27, 1984

The Honorable Jimmy Green
Lieutenant Governor
North Carolina State Senate
Legislative Building
Raleigh, North Carolina 27611

Dear Lieutenant Governor Green:

Pursuant to G. S. 126-2, I am submitting to the North Carolina State Senate the name of the person listed below whom I have appointed to serve on the State Personnel Commission.

Mr. William H. Lyon
235 Wellons Village
Durham, North Carolina 27703

My warmest personal regards.

Sincerely,
S/ JAMES B. HUNT, JR.

Referred to **Rules and Operation of the Senate Committee.**

On motion of Senator Lawing, seconded by Senator Rauch, the Senate adjourns to meet tomorrow at 1:00 P. M.

June 27, 1984

ONE HUNDRED FIFTY-THIRD DAY

SENATE CHAMBER,
Thursday, June 28, 1984.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Gracious God, You empower us by Your Spirit with zeal for doing Your will, and give us wisdom and courage to enable faithful service. We give You thanks this day for all You have done for us and pray that You will make us continually aware of Your presence and Your will for us as a source of inspiration and strength. We pray today especially for Your blessing on those who work for the State of North Carolina; for teachers, engineers, administrators, judges, teachers, scientists, secretaries and construction workers — for all who labor on behalf of the people of this State. May Your Spirit increase in them patience, trust, wisdom and dedication as they do their part in promoting and protecting the common good of all of our citizens. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Childers is noted.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 14, an act to eliminate mandatory retirement at age 70 for persons covered under the State Employees or Local Government Employees Retirement System. (Ch. 1019)

S. B. 725, an act to amend the Gastonia Firemen's Supplementary Pension Fund. (Ch. 1016)

S. B. 759, an act to revise and consolidate the Charter of the Town of Franklinville and to repeal prior local acts. (Ch. 1017)

S. B. 760, an act concerning economic development projects of the Town of Liberty. (Ch. 1015)

S. B. 817, an act allowing the Department of Transportation to include a municipal street as part of the right-of-way when improving a State highway. (Ch. 1020)

S. B. 848, an act to validate the failure to hold a sanitary district election in 1983. (Ch. 1021)

S. J. R. 855, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to authorize the County of Cumberland to sell industrial sites in its industrial park without utilizing the formal bid requirements of Article 12 of Chapter 160A of the North Carolina General Statutes. (Res. 87)

S. J. R. 884, a joint resolution authorizing the 1984 Regular Session of the 1983 General Assembly to consider a bill to be entitled an act to permit a District Board of Health to be composed of at least fifteen but no more than eighteen members. (Res. 88)

H. B. 370 (Committee Substitute), an act to provide a licensing program for Hospices. (Ch. 1022)

H. B. 1099, an act to provide an income tax credit to farmers who permit their crops to be gleaned. (Ch. 1018)

H. B. 1483, an act regarding refunds of tax paid on gasohol and other alcohol fuels. (Ch. 1003)

H. B. 1485, an act repealing various obsolete tax statutes and making technical corrections to the revenue laws. (Ch. 1004)

H. B. 1488, an act authorizing the Secretary of Revenue to employ collection agencies to collect taxes due this State from tax payers located outside the State. (Ch. 1005)

H. B. 1535, an act to rewrite the statute under which nonpublic post-secondary educational institutions may be licensed to conduct post-secondary degree activity in North Carolina. (Ch. 1006)

H. B. 1547, an act to provide for a four-year term for the Mayor of the Town of Fair Bluff and staggered four-year terms for the Town Board of Commissioners. (Ch. 1007)

H. B. 1554, an act to amend the Charter of Charlotte relating to excusing members of council from voting. (Ch. 1008)

H. B. 1588, an act to provide special elections for filling vacancies on the Lumberton City Council and for Mayor. (Ch. 1009)

H. B. 1594, an act to amend the distribution of proceeds from the operation of liquor stores in the Town of Calabash. (Ch. 1010)

H. B. 1596, an act limiting the trapping season in Brunswick County. (Ch. 1011)

H. B. 1623, an act regarding discounts for prepayment of property taxes levied by the Town of Broadway in Lee County. (Ch. 1012)

H. B. 1676, an act to require that tax liens be advertised in a newspaper only one time instead of four times. (Ch. 1013)

H. B. 1633, an act to amend the Sedimentation Pollution Control Act of 1973. (Ch. 1014)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch for the **Finance Committee**:

H. B. 158, a bill to increase the inheritance tax credit for Class A beneficiaries, with a favorable report.

On motion of Senator Rauch, the rules are suspended and the bill is placed on today's Calendar for consideration.

H. B. 1682, a bill clarifying the scope of the property tax exemption for special nuclear materials, with a favorable report.

On motion of Senator Rauch, the rules are suspended and the bill is placed on today's Calendar for consideration.

H. B. 1697, a bill to exempt from inheritance tax one-half the amount of certain personal property held by a husband and wife as joint tenants with right of survivorship, with a favorable report.

On motion of Senator Rauch, the rules are suspended and the bill is placed on today's Calendar for consideration.

H. B. 1777, a bill to increase various medical license and registration fees collected by the Board of Medical Examiners of the State of North Carolina, with a favorable report.

On motion of Senator Rauch, the rules are suspended and the bill is placed on today's Calendar for consideration.

S. B. 21, a bill to allow an income tax deduction for amounts paid to maintain certain parents aged 65 or over, with a favorable report, as amended.

On motion of Senator Rauch, the rules are suspended and the bill is placed on today's Calendar for consideration.

S. B. 156, a bill to increase the amount of federal retirement pay excluded from gross income, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 156**, a bill to provide an additional exclusion from income for federal civil service and military retirees who are aged sixty-five or over, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for today.

H. B. 9, a bill to update the sales tax exemption for medical equipment, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Senate Committee Substitute bill is adopted and on his further motion is placed on the Calendar for today for further consideration.

By Senator Swain for the **Special Ways and Means Committee**:

S. B. 763, a bill to permit a district board of health to be composed of at least fifteen but no more than eighteen members, with a favorable report.

H. B. 1701, a bill to permit assignments of State employees' wages made to meet child support obligations, with a favorable report.

H. J. R. 1776, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to clarify amendments to the Safe Driver Insurance Plan, with a favorable report.

H. B. 1739, a bill to repeal or amend various statutes to conform with the North Carolina Rules of Evidence, with a favorable report.

S. B. 845, a bill to amend the present law relating to the theft of cable television services, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for today for further consideration.

Without objection, the Chair orders the bills reported from committee placed on the Calendar for today for further consideration.

WITHDRAWAL

H. B. 1597, a bill to authorize the Town of Ocean Isle Beach to levy special assessments to meet a portion of the cost of constructing sewage collection and treatment facilities prior to construction completion of such system.

On motion of Senator Soles the rules are suspended (electronically recorded) and the bill is removed from the **Special Ways and Means Committee** and is placed on the Calendar for today, upon second reading.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Thomas of Henderson and Hipps:

S. B. 885, a bill to direct the State Board of Education to study the cost and feasibility of providing summer employment for certified teachers the summer after they graduate and to appropriate funds for that purpose.

Referred to **Appropriations Committee**.

By Senator Taylor:

S. J. R. 886, a joint resolution proclaiming the month of August, 1984, as Adult Literacy Awareness Month.

On motion of Senator Taylor, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senators Thomas of Henderson and Hipps:

S. B. 888, a bill to appropriate funds for the restoration of historic buildings at the John C. Campbell Folk School.

Referred to **Appropriations Committee**.

By Senator Swain:

S. J. R. 889, a joint resolution authorizing 1983 General Assembly, 1984 Session, to

consider a bill to be entitled an act to put North Carolina in compliance with a Federal Court decision concerning straight ticket voting.

On motion of Senator Swain, the Chair orders the bill held in filed status.

By Senator Swain:

S. J. R. 890, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to establish the North Carolina Advisory Council on the Eastern Band of the Cherokee.

On motion of Senator Swain, the Chair orders the bill held in filed status.

Senator Rand moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Rand:

S. B. 895, a bill to authorize the County of Cumberland to sell industrial sites in its industrial park without utilizing the formal bid requirements of Article 12 of Chapter 160A of the North Carolina General Statutes.

On motion of Senator Rand, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 1660 (Committee Substitute), a bill to make technical changes to the safe roads act.

Referred to **Special Ways and Means Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lawing for the **Rules and Operation of the Senate**:

H. B. 1491, a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives, with a favorable report.

H. B. 1518, a bill to extend the sunset provisions in G. S. 147-16.2 to all boards and councils created by executive officials, with a favorable report.

H. B. 1557, a bill to amend the Charlotte Firemen's System, with a favorable report.

H. J. R. 1573, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to authorize the Department of Transportation to pay for nonbetterment costs of certain water line relocations in the highway right-of-way, with a favorable report.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 1574, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to provide counties more time to publish a notice about certain mineral rights, with a favorable report.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. B. 1657, a bill to direct the Wildlife Resources Commission to study the role of alcohol and drugs in recreational boating and the need for implementing recommendations of the National Transportation Safety Board, with a favorable report.

H. J. R. 1663, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled, an act to amend the law relating to weight of vehicles and loads, with a favorable report.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 1683, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to put North Carolina in compliance with a Federal Court decision concerning straight ticket voting, with a favorable report.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 1694, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to reenact former statutory authority for public sewerage systems to exercise the power of eminent domain, with a favorable report.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 1737, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to establish the North Carolina Advisory Council on the Eastern Band of the Cherokee, with a favorable report.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 1738, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to improve the collection of criminal history information in North Carolina, with a favorable report.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. B. 1754, a bill to regulate raffles, with a favorable report, as amended.

RE-REFERRAL

H. B. 1660 (Committee Substitute), a bill to make technical changes to the safe roads act.

On motion of Senator Barnes of Wayne the rules are suspended and the bill is taken from the **Special Ways and Means Committee** and re-referred to the **Judiciary III Committee**.

H. B. 1511, a bill to amend Chapter 320 of the 1981 Session Laws concerning street improvements and assessments in Dare County.

On motion of Senator Swain the rules are suspended and the bill is taken from the **Special Ways and Means Committee** and is placed on the Calendar for today.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(The Chair declares the voting equipment inoperative for a portion of today's Session.)

S. B. 156 (Committee Substitute), a bill to increase the amount of federal retirement pay excluded from gross income.

On motion of Senator Staton, the Committee Substitute bill is re-referred to the **Ways and Means Committee**.

H. B. 1615, a bill authorizing the City of Lumberton to levy a transient occupancy tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 3, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 46.

Voting in the negative: Senators Allred, Kincaid, and Redman — 3.

The bill is ordered enrolled.

H. B. 1625, a bill to incorporate the Town of Shallotte Point, subject to a referendum, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Hancock, Hardison, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Tison, Walker, Ward, Warren, White, and Wright — 42.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1572, a bill authorizing Cherokee County to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 3, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand,

Rauch, Royall, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard and Wright — 45.

Voting in the negative: Senators Allred, Kincaid, and Redman — 3.

The bill remains on the Calendar for further consideration upon third reading.

H. B. 1526 (Committee Substitute), a bill to permit regulation of sand dunes by Kitty Hawk, Kill Devil Hills, Nags Head and Southern Shores.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1583 (Committee Substitute), a bill to permit the Granville County Commissioners to regulate shining lights in deer areas.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S. B. 877, a bill authorizing counties to establish cemetery service districts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hips, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Tally, Taylor, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 47.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 1771, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects by constituent institutions of the University of North Carolina, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hips, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 49.

Voting in the negative: None.

The bill remains on the Calendar for further consideration, upon third reading.

H. B. 1513 (Committee Substitute), a bill to change the State tax structure for commodities and services provided by certain utilities to enable individuals to deduct the taxes on these commodities and services from their federal income.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted which is held to be material constituting the first reading of the Committee Substitute bill.

The Committee Substitute bill, as amended, remains on the Calendar for further consideration, upon second reading.

H. B. 1567, a bill to enact the Elementary and Secondary School Reform Act of 1984, as amended, upon third reading.

On motion of Senator Royall, the bill, as amended, is taken from the Calendar and re-referred to the **Appropriations Committee**.

S. B. 815, a bill to permit members of the Teachers' and State Employees' Retirement System to purchase service credits for employment with a local government employer and to repeal the provision for local government service credits at no cost to members with past service with a new participating employer in the Local Governmental Employees' Retirement System.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 842, a bill to appoint a person to public office upon the recommendation of the President Pro Tempore of the Senate.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 847, a bill to change the expiration date of the Life Care Centers Certificate of Need Law.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 880, a bill to amend G. S. 20-309 pertaining to reregistration of a vehicle after revocation of the license plate for failure to maintain financial responsibility.

Senator Jenkins offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, without objection, by special messenger, without engrossment.

H. B. 88, a bill to raise the annual gift tax exclusion from three thousand dollars to ten thousand dollars.

The bill passes its second and third readings and is ordered enrolled.

H. B. 104, a bill to allow one spouse to apply both his gift tax annual exclusion and his spouse's annual exclusion to gifts made to anyone other than his spouse.

The bill passes its second and third readings and is ordered enrolled.

H. B. 474 (Senate Committee Substitute), a bill to allow the awarding of attorney's fees in certain civil cases.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill, without objection, by special messenger.

H. B. 650, a bill to provide a fuel tax refund to solid waste compacting vehicles for the amount of fuel consumed by the vehicle in compacting waste.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1261, a bill to provide workers' compensation for farm workers on farms with ten or more workers.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the

House of Representatives for concurrence in Senate Amendment No. 1, without objection, by special messenger.

H. B. 1283 (Committee Substitute), a bill to limit cities in their requirements for dedication of water systems as part of subdivision regulations applicable to areas outside of the city limits.

On motion of Senator White, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Allred to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration, upon third reading.

H. B. 1365 (Committee Substitute), a bill to amend the powers and duties of the Utilities Commission.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

Senator Johnson is excused from voting for the stated reason: "Conflict of interest."

The Committee Substitute bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

H. B. 1511, a bill to amend Chapter 320 of the 1981 Session Laws concerning street improvements and assessments in Dare County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 49.

Voting in the negative: None.

The bill remains on the Calendar for further consideration, upon third reading.

H. B. 1544, a bill to grant a six percent increase in the retirement allowances of beneficiaries in the North Carolina Local Governmental Employees' Retirement System payable beginning July 1, 1984.

On motion of Senator Swain, Committee Amendment No. 1 is adopted, changing the title upon concurrence to read, **H. B. 1544**, a bill to grant an eight percent increase in the retirement allowances of beneficiaries in the North Carolina Local Governmental Employees' Retirement System payable beginning July 1, 1984.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

H. B. 1772, a bill relating to bond issuance and assessments, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally,

Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 49.

Voting in the negative: None.

The bill remains on the Calendar for further consideration, upon third reading.

H. B. 1632, a bill to permit the purchase of retirement service credits in the Teachers' and State Employees' Retirement System for prior part-time service.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1681, a bill to merge the Uniform Judicial, Uniform Solicitorial and Uniform Clerks of Superior Court Retirement Systems into the Consolidated Judicial Retirement System.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1709 (Committee Substitute), a bill to protect the public interest in the sale or lease of public hospital facilities.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1768, a bill regarding the letting of contracts for airport construction and repair.

The bill passes its second and third readings and is ordered enrolled.

S. B. 21, a bill to allow an income tax deduction for amounts paid to maintain certain parents aged 65 or over.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

On motion of Senator Hardison, the bill, as amended, is re-referred to the **Ways and Means Committee**.

S. B. 763, a bill to permit a district board of health to be composed of at least fifteen but no more than eighteen members.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 845, a bill to amend the present law relating to the theft of cable television services.

Senator Johnson offers Amendment No. 1 which is adopted.

Senator Higgs offers Amendment No. 2 which is adopted.

Senator Thomas of Henderson offers Amendment No. 3 which remains pending.

Without objection, the Chair declares the Senate in recess until 4:30 P. M. for the purpose of committee meetings.

AFTERNOON SESSION — 4:30 P. M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 88, an act to raise the annual gift tax exclusion from three thousand dollars to ten thousand dollars. (Ch. 1023)

H. B. 104, an act to allow one spouse to apply both his gift tax annual exclusion and his spouse's annual exclusion to gifts made to anyone other than his spouse. (Ch. 1024)

H. B. 650, an act to provide a fuel tax refund to solid waste compacting vehicles for the amount of fuel consumed by the vehicle in compacting waste. (Ch. 1025)

H. B. 1526 (Committee Substitute), an act to permit regulation of sand dunes by Kitty Hawk, Kill Devil Hills, Nags Head and Southern Shores. (Ch. 1026)

H. J. R. 1573, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to authorize the Department of Transportation to pay for nonbetterment costs of certain water line relocations in the highway right-of-way. (Res. 89)

H. J. R. 1574, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to provide counties more time to publish a notice about certain mineral rights. (Res. 90)

H. B. 1583 (Committee Substitute), an act to permit the Granville County Commissioners to regulate shining lights in deer areas. (Ch. 1027)

H. J. R. 1663, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to amend the law relating to weight of vehicles and loads. (Res. 91)

H. J. R. 1683, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to put North Carolina in compliance with a Federal Court decision concerning straight ticket voting. (Res. 92)

H. J. R. 1694, a joint resolution authorizing the 1984 Regular Session of the General Assembly to consider a bill to be entitled an act to reenact former statutory authority for public sewerage systems to exercise the power of eminent domain. (Res. 93)

H. J. R. 1737, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to establish the North Carolina Advisory Council on the Eastern Band of the Cherokee. (Res. 94)

H. J. R. 1738, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to improve the collection of criminal history information in North Carolina. (Res. 95)

WITHDRAWAL FROM COMMITTEE

H. B. 1165, a bill to empower Catawba Memorial Hospital and Alexander County Hospital to use attachment and garnishment procedures for collecting unpaid bills.

On motion of Senator Marion the rules are suspended and the bill is taken from the **Local Government and Regional Affairs Committee** and is placed on the Calendar for today.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 1283 (Committee Substitute), a bill to limit cities in their requirements for

dedication of water systems as part of subdivision regulations applicable to areas outside of the city limits, as amended, upon third reading.

Senator Allred withdraws his objection and with no further objection, the Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S. B. 845, a bill to amend the present law relating to the theft of cable television services, as amended, with pending Amendment No. 3.

On motion of Senator Staton, the bill, as amended, with pending Amendment No. 3 is recommitted to the **Special Ways and Means Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Edwards of Guilford moves that Rule 40 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Edwards of Guilford, Gray and Martin:

S. J. R. 893, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a joint resolution designating Oak Ridge Military Academy as the Military Academy of the State of North Carolina and empowering the Governor to sign its diplomas.

On motion of Senator Edwards of Guilford, the rules are suspended and joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barnes of Wayne for the **Judiciary III Committee**:

H. B. 1660 (Committee Substitute), a bill to make technical changes to the safe roads act, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes of Wayne, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill is adopted.

On motion of Senator Barnes of Wayne, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, June 29.

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

H. B. 1587, a bill to provide for the maintenance of health education facilities, with a favorable report.

H. B. 1630, a bill to amend the conflict of interest law relating to hospitals, with a favorable report.

Confirmation of Appointment to Personnel Commission

The Committee on Rules and Operation to whom this appointment was referred, a majority being present and voting, has carefully considered the same and recommend that the Senate do confirm the appointment of Mr. William H. Lyon.

Without objection, the Chair places the matter on the Calendar for tomorrow, June 29.

S. B. 21, a bill to allow an income tax deduction for amounts paid to maintain certain parents aged 65 or over, with a favorable report.

On motion of Senator Gray, the rules are suspended and the bill is placed on today's Calendar for consideration.

S. B. 156 (Committee Substitute), a bill to increase the amount of federal retirement pay excluded from gross income, with a favorable report.

On motion of Senator Staton, the rules are suspended (electronically recorded) and the Committee Substitute bill is placed on today's Calendar for consideration.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 1165, a bill to empower Catawba Memorial Hospital and Alexander County Hospital to use attachment and garnishment procedures for collecting unpaid bills, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 3, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Soles, Speed, Staton, Tally, Taylor, Thomas of Craven, Tison, Ward, White, Woodard, and Wright — 39.

Voting in the negative: Senators Duncan, Walker, and Winner — 3.

The bill remains on the Calendar for further consideration upon third reading.

S. B. 21, a bill to allow an income tax deduction for amounts paid to maintain certain parents aged 65 or over, as amended.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger, without engrossment.

S. B. 156 (Committee Substitute), a bill to increase the amount of federal retirement pay excluded from gross income.

Without objection, the following Senators are excused from voting for the stated reason:

Senator Redman: "Conflict of interest"

Senator Edwards of Guilford: (none stated)

The Committee Substitute bill passes its second reading (electronically recorded).

Senator Allred objects to the third reading.

Senator Staton offers a motion the rules be suspended to allow the bill placed upon its third reading, which motion prevails.

The Committee Substitute bill passes its third reading and is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 9 (Senate Committee Substitute), a bill to update the sales tax exemption for medical equipment.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 158, a bill to increase the inheritance tax credit for Class A beneficiaries.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1597, a bill to authorize the Town of Ocean Isle Beach to levy special assessments to meet a portion of the cost of constructing sewage collection and treatment facilities prior to construction completion of such system, upon second reading.

The bill, passes its second reading by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Marion, Martin, Parnell, Rand, Rauch, Royall, Soles, Speed, Staton, Swain, Tally, Taylor, Thomas of Henderson, Tison, Walker, Ward, White, Winner, Woodard, and Wright — 41.

Voting in the negative: Senator Harris of Mecklenburg — 1.

The bill remains on the Calendar for further consideration, upon third reading.

H. B. 1682, a bill clarifying the scope of the property tax exemption for special nuclear materials, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Taylor, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 45.

Voting in the negative: None.

The bill remains on the Calendar for further consideration, upon third reading.

H. B. 1697, a bill to exempt from inheritance tax one-half the amount of certain personal property held by a husband and wife as joint tenants with right of survivorship.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1701, a bill to permit assignments of State employees' wages made to meet child support obligations.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1739, a bill to repeal or amend various statutes to conform with the North Carolina Rules of Evidence.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. J. R. 1776, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to clarify amendments to the Safe Driver Insurance Plan.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1777, a bill to increase various medical license and registration fees collected by the Board of Medical Examiners of the State of North Carolina, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Kincaid, Lawing, Martion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 45.

Voting in the negative: Senator Allred — 1.

The bill remains on the Calendar for further consideration, upon third reading.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S. B. 514 (Committee Substitute), a bill to amend G. S. 110-136 to permit garnishment of up to forty percent of wages for willful failure to provide child support, for concurrence in House Amendments 1 and 2.

On motion of Senator Marvin, the rules are suspended (electronically recorded) and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Marvin, the Senate concurs (electronically recorded) in House Amendments 1 and 2 which changes the title to read, **S. B. 514** (Committee Substitute), a bill to establish a child support processing fee. The Committee Substitute bill is ordered enrolled.

H. B. 1551 (Committee Substitute), a bill to appropriate funds to the Judicial Department and the Administrative Office of the Courts.

Referred to **Pensions and Retirement Committee**.

RECALL FROM ENROLLING

H. B. 1709, a bill to protect the public interest in the sale or lease of public hospital facilities.

On motion of Senator Soles, the bill is recalled from the Enrolling Office.

Senator Soles moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

The bill is placed on the Calendar for tomorrow, June 29, upon third reading.

The Chair declares the Senate in recess until 5:45 P. M. for the purpose of committee meetings.

AFTERNOON SESSION — 5:45 P. M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Plyler for the **Pensions and Retirement Committee**:

H. B. 1551 (Committee Substitute), a bill to appropriate funds to the Judicial Department and the Administrative Office of the Courts, with a favorable report.

On motion of Senator Plyler, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

By Senator Swain for the **Special Ways and Means Committee**:

H. B. 721, a bill to extend the filing period for workers' compensation claims when accidental injuries are not discovered within two years of the accident, with a favorable report, as amended.

On motion of Senator Swain, the rules are suspended (electronically recorded) and the bill is placed on today's Calendar for consideration.

WITHDRAWAL

S. B. 845, a bill to amend the present law relating to the theft of cable television services, as amended, with Amendment No. 3 pending.

On motion of Senator Edwards of Caldwell the rules are suspended and the bill, as amended, with pending Amendment No. 3 is taken from the **Special Ways and Means Committee** and is placed on the Calendar for immediate consideration.

Without objection, Senator Thomas of Henderson withdraws Amendment No. 3.

Senator Hipps moves that the vote by which Amendment No. 2 was adopted be reconsidered, which motion prevails. Without objection, Senator Hipps withdraws Amendment No. 2.

Senator Hipps offers Amendment No. 4 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger, without engrossment.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. J. R. 1775, a joint resolution declaring legislative approval of the plan of operation for the North Carolina Federal Property Agency as promulgated in accordance with Public Law 94-519.

Referred to **Special Ways and Means Committee**.

H. B. 1779 (Committee Substitute), a bill to codify certain crimes and defenses.

Referred to **Special Ways and Means Committee**.

H. B. 1789, a bill regarding limitations on State financial aid to airports.
Referred to **Special Ways and Means Committee**.

H. B. 110

(Committee Substitute No. 3)

HOUSE OF REPRESENTATIVES

June 28, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Committee Substitute #3 for **H. B. No. 110**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE COMMITTEE ON OCCUPATIONAL AND PROFESSIONAL LICENSURE TO ASSESS PROPOSALS FOR THE ESTABLISHMENT OR REVISION OF LICENSING LAWS AND PROGRAMS ACCORDING TO CRITERIA AND PROCEDURES SPECIFIED HEREIN, and requests conferees. The Speaker has appointed Representatives Beam, Chairman; Jerald, and Lancaster on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Royall moves that the President appoint conferees, which motion prevails. The President appoints Senators Jenkins, Swain, and Edwards of Caldwell as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Chair declares the Senate in recess until 6:15 P. M. for the purpose of committee meetings.

AFTERNOON SESSION — 6:15 P. M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee**:

H. B. 1551 (Committee Substitute), a bill to appropriate funds to the Judicial Department and the Administrative Office of the Courts, with a favorable report, as amended.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

By Senator Plyler for the **Pensions and Retirement Committee**:

H. B. 687 (Committee Substitute), a bill to allow the purchase of creditable service for State and local government employment by members of the Uniform Judicial, Solicitorial and Clerks of Superior Court Retirement Systems at a cost equal to the full actuarial liability, with a favorable report.

On motion of Senator Plyler, the rules are suspended (electronically recorded) and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1413 (Committee Substitute), a bill to prohibit full-time State employees from receiving any State retirement benefits while employed, with a favorable report, as amended.

On motion of Senator Plyler, the rules are suspended (electronically recorded) and the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) reading.

On objection of Senator Warren to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 1736, a bill to extend the coverage under the group life insurance plans for members of the Teachers' and State Employees', Local Governmental Employees' and Law Enforcement Officers' Retirement System so as to cause insurance proceeds to be payable on account of the death of any member on an employer approved leave of absence without pay because of extended illness whose death occurs within 366 days after leaving pay status, with a favorable report.

On motion of Senator Plyler, the rules are suspended (electronically recorded) and the Committee Substitute bill is placed before the Senate for immediate consideration.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered enrolled.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 721, a bill to extend the filing period for workers' compensation claims when accidental injuries are not discovered within two years of the accident.

On motion of Senator Swain, Committee Amendment No. 1 is adopted, and, without objection, the bill, as amended, is placed on the Calendar for tomorrow, June 29.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar as follows:

By Senator Swain for the **Special Ways and Means Committee**:

H. J. R. 1775, a joint resolution declaring legislative approval of the plan of operation for the North Carolina Federal Property Agency as promulgated in accordance with Public Law 94-519, with a favorable report.

On motion of Senator Swain, the rules are suspended (electronically recorded) and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1779 (Committee Substitute), a bill to codify certain crimes and defenses, with a favorable report.

On motion of Senator Swain, the rules are suspended (electronically recorded) and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 1615, an act authorizing the City of Lumberton to levy a transient occupancy tax. (Ch. 1028)

H. B. 1625, an act to incorporate the Town of Shallotte Point, subject to a referendum. (Ch. 1029)

H. B. 1632, an act to permit the purchase of retirement service credits in the Teachers' and State Employees' Retirement System for prior part-time service. (Ch. 1030)

H. B. 1681, an act to merge the Uniform Judicial, Uniform Solicitorial and Uniform Clerks of Superior Court Retirement Systems into the Consolidated Judicial Retirement System. (Ch. 1031)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Edwards of Caldwell moves that Rule 40 be suspended (electronically recorded) to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Edwards of Caldwell:

S. B. 891, a bill to appropriate funds to the McGrady Fire Department in Wilkes County.

Referred to **Appropriations Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 430 (House Committee Substitute), a bill creating a program of early parole for nondangerous prisoners who consent to complete service of their terms through community service, for concurrence in the House Committee Substitute bill.

On motion of Senator Swain, the rules are suspended (electronically recorded) and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris of Cleveland, the House Committee Substitute bill is placed on the Calendar for tomorrow, June 29.

S. J. R. 730, a joint resolution urging that women and racial minority citizens be appointed to State boards, commissions, and councils in numbers proportionate to their population in the State, for concurrence in House Amendment No. 1.

On motion of Senator Lawing, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

On motion of Senator Lawing, the Senate concurs in House Amendment No. 1 and the joint resolution is ordered enrolled.

S. B. 783, a bill to clarify the definition of an ambulatory surgical facility, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 29.

On motion of Senator Lawing, seconded by Senator Thomas of Henderson, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED FIFTY-FOURTH DAY

SENATE CHAMBER,
Friday, June 29, 1984.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God our Father: Your Scriptures teach us that You have appointed a time for everything under heaven. We thank You for the rhythm of work and leisure in life. We pray that the work we have done this week has been Your will, and that You will help us to use the approaching time of rest to refresh us for labors that remain. Watch over us as we travel, and speak to us as we worship, that we may draw from Your Spirit the strength, the wisdom, the courage we need to be Your servants. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Guy for a portion of today's Session. A leave of absence granted previously to Senator Childers is noted.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 780, an act to clarify and make technical amendments to Article 17 of Chapter 120 of the General Statutes, Confidentiality of Legislative Communications. (Ch. 1038)

H. B. 80, an act to modify current operations and capital improvements appropriations for North Carolina State Government for the 1984-85 Fiscal Year and to make other changes in the budget operation of the State. (Ch. 1034)

H. B. 158, an act to increase the inheritance tax credit for Class A beneficiaries. (Ch. 1032)

H. B. 474 (Senate Committee Substitute), an act to allow the awarding of attorney's fees in certain civil cases. (Ch. 1039)

H. B. 578, an act to provide that the Wake County ABC Board consist of five members. (Ch. 1040)

H. B. 687 (Committee Substitute), an act to allow the purchase of creditable service for State and Local Government employment by members of the Uniform Judicial, Solicitorial and Clerks of Superior Court Retirement Systems at a cost equal to the full actuarial liability. (Ch. 1041)

H. B. 1697, an act to exempt from inheritance tax one-half the amount of certain personal property held by a husband and wife as joint tenants with right of survivorship. (Ch. 1035)

H. B. 1701, an act to permit assignments of State employees' wages made to meet child support obligations. (Ch. 1036)

H. B. 1739, an act to repeal or amend various statutes to conform with the North Carolina Rules of Evidence. (Ch. 1037)

H. B. 1768, an act regarding the letting of contracts for airport construction and repair. (Ch. 1033)

H. J. R. 1776, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to clarify amendments to the Safe Driver Insurance Plan. (Res. 96)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Edwards of Guilford:

S. J. R. 892, a joint resolution designating Oak Ridge Military Academy as the Military Academy of the State of North Carolina and empowering the Governor to sign its diplomas.

On motion of Senator Edwards of Guilford, the rules are suspended and the joint resolution is placed on the Calendar for today.

By Senator Lawing:

S. B. 894, a bill to appoint persons to various public offices upon the recommendation of the President of Senate.

On motion of Senator Lawing, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Special Ways and Means Committee**:

H. B. 1654, a bill to direct the Departments of Labor, Crime Control and Public Safety, Natural Resources and Community Development, and Human Resources to study aspects of the hazardous substances right-to-know issue, with a favorable report.

H. B. 1789, a bill regarding limitations on State financial aid to airports, with a favorable report.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 1165, a bill to empower Catawba Memorial Hospital and Alexander County Hospital to use attachment and garnishment procedures for collecting unpaid bills, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 1, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Swain, Tally, Taylor, Tison, Walker, Ward, Warren, White, Woodard, and Wright — 37.

Voting in the negative: Senator Winner — 1.

The bill is ordered enrolled.

H. B. 1511, a bill to amend Chapter 320 of the 1981 Session Laws concerning street improvements and assessments in Dare County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Staton, Swain, Tally, Taylor, Thomas of Craven, Tison, Walker, Ward, Warren, White, Woodard, and Wright — 41.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1572, a bill authorizing Cherokee County to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 1, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hipps, Hunt, Jenkins, Johnson, Jordan, Lawing,

Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Staton, Swain, Tally, Taylor, Thomas of Craven, Tison, Walker, Ward, Warren, White, Woodard, and Wright — 40.

Voting in the negative: Senator Kincaid — 1.

The bill is ordered enrolled.

H. B. 1597, a bill to authorize the Town of Ocean Isle Beach to levy special assessments to meet a portion of the cost of constructing sewage collection and treatment facilities prior to construction completion of such system, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Hardison, Harrington, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Staton, Swain, Tally, Taylor, Thomas of Craven, Tison, Walker, Ward, White, Winner, Woodard, and Wright — 39.

Voting in the negative: Senator Harris of Mecklenburg — 1.

The bill is ordered enrolled.

H. B. 1557, a bill to amend the Charlotte Firemen's System.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1682, a bill clarifying the scope of the property tax exemption for special nuclear materials, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Staton, Swain, Tally, Taylor, Thomas of Craven, Tison, Walker, Ward, Warren, White, Woodard, and Wright — 38.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1771, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects by constituent institutions of the University of North Carolina, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Staton, Swain, Tally, Taylor, Thomas of Craven, Tison, Walker, Ward, Warren, White, Woodard, and Wright — 38.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1772, a bill relating to bond issuance and assessments, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Staton, Swain, Tally, Taylor, Thomas of Craven, Tison, Walker, Ward, Warren, White, Woodard, and Wright — 38.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1777, a bill to increase various medical license and registration fees collected by the Board of Medical Examiners of the State of North Carolina, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Marion, Martin, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Staton, Swain, Tally, Taylor, Thomas of Craven, Tison, Walker, Ward, Warren, White, Woodard, and Wright — 38.

Voting in the negative: None.

The bill is ordered enrolled.

H. B. 1513 (Committee Substitute), a bill to change the State tax structure for commodities and services provided by certain utilities to enable individuals to deduct the taxes on these commodities and services from their federal income, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 40, noes 5, as follows:

Voting in the affirmative: Senators Alford, Ballenger, Barnes of Wayne, Daniels, Davis, Duncan, Edwards of Guilford, Hancock, Hardison, Harrington, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Thomas of Henderson, Tison, Walker, Ward, Warren, White, Woodard, and Wright — 40.

Voting in the negative: Senators Barnes of Forsyth, Harris of Mecklenburg, Higgs, Martin, and Winner — 5.

The Committee Substitute bill, as amended, remains on the Calendar for further consideration, upon third reading.

H. B. 1413 (Committee Substitute), a bill to prohibit full-time State employees from receiving any State retirement benefits while employed, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1, without objection, by special messenger.

H. B. 721, a bill to extend the filing period for workers' compensation claims when accidental injuries are not discovered within two years of the accident, as amended.

On motion of Senator Harris of Cleveland, seconded by Senator Hardison the bill, as amended, is tabled (electronically recorded).

H. B. 1491, a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives.

Senator Lawing offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1518, a bill to extend the sunset provisions in G. S. 147-16.2 to all boards and councils created by executive officials.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1709 (Committee Substitute), a bill to protect the public interest in the sale or lease of public hospital facilities, upon third reading.

Senator Soles offers Amendment No. 1.

Senator Speed offers a motion that consideration of the Committee Substitute bill with pending Amendment No. 1 be temporarily postponed, which motion fails to prevail (electronically recorded).

Amendment No. 1 fails of adoption (electronically recorded).

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

H. B. 1587, a bill to provide for the maintenance of health education facilities.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1630, a bill to amend the conflict of interest law relating to hospitals.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1657, a bill to direct the Wildlife Resources Commission to study the role of alcohol and drugs in recreational boating and the need for implementing recommendations of the National Transportation Safety Board.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

H. B. 1660 (Senate Committee Substitute), a bill to make technical changes to the safe roads act.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

Senator Martin offers Amendment No. 2 which fails of adoption (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1754, a bill to regulate raffles.

On motion of Senator Lawing, Committee Amendments Nos. 1 and 2 are adopted.

The bill, as amended, passes its second (electronically recorded) reading.

On objection of Senator Winner to its third reading, the bill, as amended, remains on the Calendar for further consideration.

S. B. 430 (House Committee Substitute), a bill creating a program of early parole for nondangerous prisoners who consent to complete service of their terms through community service, for concurrence in the House Committee Substitute bill with unengrossed amendment.

On motion of Senator Swain, the Senate concurs in the House Committee Substitute bill, upon second reading.

Senator Thomas of Henderson, Co-Chairman of the **Ways and Means Committee**, requests a fiscal note.

The Chair orders a fiscal note prepared.

The House Committee Substitute bill remains on the Calendar upon third reading for further consideration upon receipt of the fiscal note.

S. B. 783, a bill to clarify the definition of an ambulatory surgical facility, for concurrence in House Amendment No. 1.

On motion of Senator Rand, the Senate concurs (electronically recorded) in House Amendment No. 1 and the bill is ordered enrolled.

S. J. R. 892, a joint resolution designating Oak Ridge Military Academy of the State of North Carolina and empowering the Governor to sign its diplomas.

On motion of Senator Edwards of Guilford, consideration of the joint resolution is postponed until Monday, July 2.

CONFIRMATION OF APPOINTMENT

On motion of Senator Lawing, the Senate confirms the appointment of William H. Lyon to the State Personnel Commission (electronically recorded).

A message is ordered sent to the House of Representatives notifying that Honorable Body of such action.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 815, an act to permit members of the Teachers' and State Employees' Retirement System to purchase service credits for employment with a local government employer and to repeal the provision for local government service credits at no cost to members with past service with a new participating employer in the Local Governmental Employees' Retirement System. (Ch. 1045)

S. B. 847, an act to change the expiration date of the Life Care Centers Certificate of Need Law. (Ch. 1046)

H. B. 1261, an act to provide workers' compensation for farm workers on farms with ten or more workers. (Ch. 1042)

H. B. 1365 (Committee Substitute), an act to amend the powers and duties of the Utilities Commission. (Ch. 1043)

H. B. 1544 (Senate Committee Substitute), an act to grant an eight percent increase in the retirement allowances of beneficiaries in the North Carolina Local Governmental Employees' Retirement System payable beginning July 1, 1984. (Ch. 1044)

On motion of Senator Lawing, seconded by Senator White, the Senate adjourns to meet Monday at 8:00 P.M.

ONE HUNDRED FIFTY-FIFTH DAY

SENATE CHAMBER,
Monday, July 2, 1984.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, as we begin what we hope is our last week in this room for this Session, we pause to give You thanks for all that You have done for the women and men of this Senate which has helped them to be effective proponents of the public good. For that which has been accomplished which is helpful to the people of this State, we give thanks to Your Spirit. For that which we have done here that has been contrary to Your will, we ask Your forgiveness. We recognize the human frailty that affects us all — legislators, administrators, and ministers — and pray that You will, by Your Spirit, help us to overcome what is weak, self-centered and arrogant in us so that we may serve You and each other in all that we say and do. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Childers is noted.

The President recognizes the following pages serving in the Senate this week: Tommy Brannon, Cary; Tim Brooks, Raleigh; Tammy Bunn, Pilot; Shannon Dement, Raleigh; Joel Derrick, Wake Forest; Paige Fink, Raleigh; Kristy Hampton, Kinston; Derek Holland, Raleigh; Chrystal Jones, Raleigh; Christie Phillips, Mt. Airy; William Pittman, Raleigh; Doug Reiger, Cary; Joe Reiger, Cary; Ashlyn Sowell, Raleigh; Stuart Smith, Wake Forest; Robert Stout, Mooresville; Pedro Thomas, Hendersonville; Tony Thompson, Raleigh; and Sherry Watt, Raleigh.

The Chair declares the voting equipment inoperative for a portion of today's Session.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 514 (Committee Substitute), an act to establish a child support processing fee. (Ch. 1047)

S. J. R. 730, a joint resolution urging that women and racial minority citizens be appointed to State boards, commissions, and councils in numbers proportionate to their population in the State. (Res. 99)

S. B. 783, an act to clarify the definition of an ambulatory surgical facility. (Ch. 1064)

S. J. R. 787, a joint resolution memorializing congress to allow the tobacco excise tax to drop to eight cents per pack as currently scheduled. (Res. 97)

S. B. 831, an act to add various acts which may constitute grounds for discipline of chiropractors. (Ch. 1067)

S. B. 862, an act to permit non-Indians to become tenants of housing provided by the State Indian Housing Authority. (Ch. 1068)

S. B. 880, an act to amend G. S. 20-309 pertaining to reregistration of a vehicle after revocation of the license plate for failure to maintain financial responsibility. (Ch. 1069)

S. J. R. 886, a joint resolution proclaiming the month of August, 1984, as Adult Literacy Awareness Month. (Res. 100)

S. J. R. 893, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a joint resolution designating Oak Ridge Military Academy as the Military Academy of the State of North Carolina and empowering the Governor to sign its diplomas. (Res. 101)

H. B. 1165, an act to empower Catawba Memorial Hospital and Alexander County Hospital to use attachment and garnishment procedures for collecting unpaid bills. (Ch. 1051)

H. B. 1369 (Senate Committee Substitute), an act relating to the three school systems in Iredell County. (Ch. 1048)

H. B. 1482, an act to change the method of determining the sales price of a motor vehicle in a casual sale and eliminate the requirement that the sales price of a motor vehicle in a casual sale be based on the book value of the vehicle. (Ch. 1065)

H. B. 1491, an act to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives. (Ch. 1070)

H. B. 1511, an act to amend Chapter 320 of the 1981 Session Laws concerning street improvements and assessments in Dare County. (Ch. 1052)

H. B. 1518, an act to extend the sunset provisions in G. S. 147-16.2 to all boards and councils created by executive officials. (Ch. 1053)

H. B. 1557, an act to amend the Charlotte Firemen's System. (Ch. 1054)

H. B. 1572, an act authorizing Cherokee County to levy a room occupancy and tourism development tax. (Ch. 1055)

H. B. 1587, an act to provide for the maintenance of health education facilities. (Ch. 1056)

H. B. 1597, an act to authorize the Town of Ocean Isle Beach to levy special assessments to meet a portion of the cost of constructing sewage collection and treatment facilities prior to construction completion of such system. (Ch. 1057)

H. B. 1630, an act to amend the conflict of interest law relating to hospitals. (Ch. 1058)

H. B. 1657, an act to direct the Wildlife Resources Commission to study the role of alcohol and drugs in recreation?l boating and the need for implementing recommendations of the National Transportation Safety Board. (Ch. 1059)

H. B. 1682, an act clarifying the scope of the property tax exemption for special nuclear materials. (Ch. 1060)

H. B. 1709, an act to protect the public interest in the sale or lease of public hospital facilities. (Ch. 1066)

H. B. 1736 (Committee Substitute), an act to modify the coverage under the group life insurance plans for members of the Teachers' and State Employees', Local Governmental Employees' and Law Enforcement Officers' Retirement System so as to cause insurance proceeds to be payable on account of the death of any member within six months after leaving pay status for any reason, at no cost to the retirement systems or State. (Ch. 1049)

H. B. 1771, an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects by constituent institutions of the University of North Carolina. (Ch. 1061)

H. B. 1772, an act relating to bond issuance and assessments. (Ch. 1062)

H. J. R. 1775, a joint resolution declaring legislative approval of the plan of operation for the North Carolina Federal Property Agency as promulgated in accordance with Public Law 94-519. (Res. 98)

H. B. 1777, an act to increase various medical license and registration fees collected by the Board of Medical Examiners of the State of North Carolina. (Ch. 1063)

H. B. 1779, an act to codify certain crimes and defenses. (Ch. 1050)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 436 (Committee Substitute No. 2), a bill to provide for the licensing of persons practicing occupational therapy, for concurrence in House Amendment No. 1.

On motion of Senator Hancock, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hancock, the Senate concurs (electronically recorded) in House Amendment No. 1 and the Committee Substitute bill is ordered enrolled.

S. B. 478, a bill to refund the amount of accumulated contributions in excess of the contributions required of other members of the Local Governmental Employees' Retirement System made by firemen not covered under the Social Security Act who were members of the Local Governmental Employees' Retirement System, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, July 3.

S. B. 555, a bill establishing regulation of and the licensing of the practice of geology and to establish the qualifications, training and experience for persons seeking to represent themselves to the public as geologists; creating a State board for licensing of geologists; defining the functions and duties of that board; and providing for penalties, for concurrence in House Amendments Nos. 1, 2, and 3.

On motion of Senator Duncan, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Senate concurs in House Amendments Nos. 1, 2, and 3 and the bill is ordered enrolled.

H. B. 1787, a bill to require legislative approval of additional paid holidays designated by the State Personnel Commission.

On motion of Senator Harris of Cleveland, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill fails to pass its second reading.

H. B. 1788, a bill regarding federal assistance in the purchase of navigational aids for North Carolina airports.

Referred to **Special Ways and Means Committee**.

H. B. 1793, a bill to authorize the Department of Transportation to pay for nonbetterment costs of certain water line relocations in the highway right-of-way.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1794, a bill to provide counties more time to publish a notice about certain mineral rights.

Referred to **Special Ways and Means Committee**.

H. B. 1795, a bill to reenact former statutory authority for public sewerage systems to exercise the power of eminent domain.

Referred to **Special Ways and Means Committee**.

H. B. 1796, a bill to put North Carolina in compliance with a federal court decision concerning straight ticket voting.

Referred to **Special Ways and Means Committee**.

H. B. 1797, a bill to establish the North Carolina Advisory Council on the Eastern Band of the Cherokee.

Referred to **Special Ways and Means Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 1652, a bill to allow nonprofit public radio stations a refund of sales and use taxes.

Referred to **Finance Committee**.

H. B. 1707, a bill to permit employees of the North Carolina Association of Educators, the North Carolina School Board Association, the North Carolina State Government Employees Association, or the North Carolina State Employees Association the option of terminating membership in the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

H. B. 1778 (Committee Substitute), a bill to amend the statute pertaining to seizure and confiscation of fish.

Referred to **Special Ways and Means Committee**.

H. B. 1791, a bill to allow the State Board of Elections to reschedule the House primary and election in District 8 as redistricted.

Referred to **Special Ways and Means Committee**.

CONFERENCE REPORT

H. B. 110 (Senate Committee Substitute No. 3)

Senator Jenkins for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 110** (Senate Committee Substitute No. 3), an act to authorize the Legislative Committee on Occupational and Professional Licensure to assess proposals for the establishment or revision of licensing laws and programs according to criteria and procedures specified herein, submits the following Conference Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on AN ACT TO AUTHORIZE THE LEGISLATIVE COMMITTEE ON OCCUPATIONAL AND PROFESSIONAL LICENSURE TO ASSESS PROPOSALS FOR THE ESTABLISHMENT OR REVISION OF LICENSING LAWS AND PROGRAMS ACCORDING TO CRITERIA AND PROCEDURES SPECIFIED HEREIN, wish to report as follows:

The House concurs in Senate Committee Substitute #3 with the following amendment:

Delete all of Senate Committee Substitute #3, and insert in lieu thereof the attached proposed conference committee substitute PCCS11183 and the Senate concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 29th day of June 1984.

S/ CECIL R. JENKINS
S/ JIM EDWARDS
S/ ROBERT S. SWAIN
*Conferees on the part
of the Senate*

S/ H. MARTIN LANCASTER
S/ LUTHER R. JERALDS
S/ SAM BEAM
*Conferees on the part of the
House of Representatives*

The text attached to the Conference Report on **H. B. 110** is as follows:

AN ACT TO AUTHORIZE THE LEGISLATIVE COMMITTEE ON NEW OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS TO ASSESS PROPOSALS TO LICENSE NEW OCCUPATIONS AND PROFESSIONS ACCORDING TO CRITERIA AND PROCEDURES SPECIFIED HEREIN.

The General Assembly of North Carolina enacts:

Section 1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

“ARTICLE 17.
“Review of Proposals to License”
New Occupations and Professions.

“§ 120-124. **Findings and purpose.** — The General Assembly finds that the number of

licensed occupations and professions has substantially increased and that licensing boards have occasionally been established without a determination that the police power of the State is reasonably exercised by the establishment of such licensing boards. The General Assembly further finds that by establishing criteria and procedures for reviewing proposed occupational and professional boards, it will be better able to evaluate the need for new licensing boards. To this end it is the purpose of this Article to assure that no new licensing board shall be established unless the following criteria are met:

(1) The unregulated practice of the profession or occupation can substantially harm or endanger the public health, safety or welfare, and the potential for such harm is recognizable and not remote or dependent upon tenuous argument;

(2) The profession or occupation possesses qualities that distinguish it from ordinary labor;

(3) Practice of the profession or occupation requires specialized skill or training;

(4) A substantial majority of the public does not have the knowledge or experience to evaluate whether the practitioner is competent; and

(5) The public is not effectively protected by other means.

“§ 120-125. **Definitions.** — As used in this Chapter:

(1) ‘Assessment report’ means a report that initially describes the need for and the fiscal impact of a new licensing board.

(2) ‘Committee’ means the Legislative Committee on New Occupational and Professional Licensing Boards.

(3) ‘Licensing’ means a regulatory system that requires persons to meet certain qualifications before they are eligible to engage in a particular occupation or profession.

(4) ‘Supplementary report’ means a report that assesses the changes proposed by an amendment or committee substitute which would alter a legislative proposal to create a new occupational licensing board and for which an assessment report has already been prepared.

“§ 120-126. **Assessment of proposed occupational and professional licensing boards.** — (a) Every legislative proposal introduced in the General Assembly after the effective date of this act proposing (1) the establishment of an occupational or professional licensing board, or (2) a study of the need to establish an occupational or professional licensing board shall have attached to it, at the time of its consideration by any committee of either house of the General Assembly, an assessment report which shall describe the need for the proposed occupational or professional licensing board. Assessment reports shall be attached to the original of each legislative proposal to establish a new licensing board which is reported favorably by any committee of either house of the General Assembly, but shall be separate therefrom, shall be clearly designated as assessment reports, and shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board.

(b) If the proposal to establish an occupational or professional licensing board is first contained in a legislative proposal, the sponsor shall present a copy of the legislative proposal to the Legislative Committee on New Occupational and Professional Licensing

Boards which shall prepare an assessment report. If the proposal is not in the form of a legislative proposal, the person or organization seeking to establish an occupational or professional licensing board may obtain an assessment report from the Committee only if a legislator requests such report.

(c) Assessment reports shall be prepared and returned to the requesting legislator as soon as possible and not later than 60 days after the Committee receives the request, provided that if the volume of requests makes preparation of all such reports impossible within that time, the Committee may extend the time for preparation of any report to a maximum of 90 days from the time the request is received. Supplementary reports shall be prepared and returned to the appropriate committee chairman or sponsor or requesting legislator not later than 30 days after the Committee receives the request. The Committee shall not consider any request until it has received the information required by G. S. 120-127(a).

(d) The Committee shall make all reports, including supplementary reports, available to all members of the General Assembly. At least one copy of all preliminary and final reports shall be kept in the Legislative Library for public inspection.

(e) All assessment reports shall contain an evaluation of the proposed licensing board in terms of clarity, conciseness, conformity with existing statutes and general principles of administrative law, and specificity of the delegation of authority to promulgate rules and set fees.

“§ 120-127. Procedure and criteria to be used in preparation of assessment reports. — (a) The Legislative Committee on New Occupational and Professional Licensing Boards shall conduct an evaluation of the need for each new licensing board.

If a legislator or other person or organization is seeking to establish a new occupational or professional licensing board, that legislator or other person or organization shall have the burden of demonstrating to the Committee that the criteria listed in G. S. 120-124 are met, and shall furnish the Committee additional information to show:

- (1) That the unregulated practice of the occupation or profession may be hazardous to the public health, safety, or welfare;
- (2) The approximate number of people who would be regulated and the number of persons who are likely to utilize the services of the occupation or profession;
- (3) That the occupational or professional group has an established code of ethics, a voluntary certification program, or other measures to ensure a minimum quality of service;
- (4) That other states have regulatory provisions similar to the one proposed;
- (5) How the public will benefit from regulation of the occupation or profession;
- (6) How the occupation or profession will be regulated, including the qualifications and disciplinary procedures to be applied to practitioners;
- (7) The purpose of the proposed regulation and whether there has been any public support for licensure of the profession or occupation;
- (8) That no other licensing board regulates similar or parallel functions;

- (9) That the educational requirements for licensure, if any, are fully justified; and
- (10) Any other information the Committee considers relevant to the proposed regulatory plan.

The Committee shall adopt an appropriate form for use by applicants. The form shall contain a list of questions to be completed by the person or organization requesting the assessment report and a copy of this Article.

(b) In preparing an assessment report with respect to a legislative proposal to establish a new occupational or professional licensing board the Committee shall consider, but shall not be limited to considering, the factors listed in subsection (a). The report shall analyze the effects of the new licensing board and shall include the Committee's recommendation on whether the General Assembly should approve the new licensing board. The Committee shall make specific findings in its report on each of the following:

- (1) Whether the unregulated practice of the profession or occupation can substantially harm or endanger the public health, safety or welfare, and whether the potential for such harm is recognizable and not remote or dependent upon tenuous argument;
- (2) Whether the profession or occupation possesses qualities that distinguish it from ordinary labor;
- (3) Whether practice of the profession or occupation requires specialized skill or training;
- (4) Whether a substantial majority of the public has the knowledge or experience to evaluate the practitioner's competence; and
- (5) Whether the public can be effectively protected by other means.

(c) The Committee shall furnish a preliminary copy of the final assessment report to the requesting legislator at least 10 days before the final report is released. The requesting legislator shall have an opportunity to respond to the Committee draft. The Committee shall consider all such responses in the preparation of its final report.

(d) If the Committee recommends against licensure, it may suggest alternative measures for regulation of the occupation or profession.

“§ 120-128. Hearings by Legislative Committee on New Occupational and Professional Licensing Boards; final action by Committee. — (a) Before submitting an assessment report the Committee may, in its discretion, hold one or more public hearings in the Legislative Building.

(b) When assessment reports involving the same or similar occupations or professions are pending before the Committee, the Committee may consider jointly any or all of the matters to be addressed by the reports.

“§ 120-129. Legislative Committee on New Occupational and Professional Licensing Boards. — (a) The Legislative Committee on New Occupational and Professional Licensing Boards is created to consist of a Chairman and eight members, four Senators appointed by the President of the Senate, four members of the House of Representatives appointed by the Speaker of the House and the Chairman to be appointed as provided

herein. The President of the Senate shall appoint a Senator to be Chairman of the Committee who shall serve until the convening of the General Assembly in 1985.

(b) The Speaker of the House shall appoint a member of the House of Representatives as Chairman upon the convening of the General Assembly in 1985 who shall serve until the organization of the General Assembly in 1987. Thereafter the President of the Senate and the Speaker of the House shall alternate the appointment of the Chairman to serve during each biennial session of the General Assembly. The Chairman may vote only in the event of a tie vote. The members of the Committee shall likewise serve biennial terms. If the Office of Chairman or any member shall become vacant, the vacancy shall be filled for the unexpired term by the authority making the initial appointment. Five members shall constitute a quorum of the Committee.

(c) The Chairman and members of the Committee, while serving on the business of the Committee, are performing legislative duties and are entitled to the subsistence and travel allowances to which members of the General Assembly are entitled when performing legislative duties if and when authorized by the Legislative Services Commission, and may meet with such approval whenever there is a request for an assessment report. The Committee is authorized to use the facilities of the State Legislative Building and Legislative Office Building. Clerical and professional staff shall be provided by the Legislative Services Commission."

Sec. 2. This act shall become effective August 1, 1984, and shall expire January 1, 1987.

Without objection, the Chair orders the Conference Report placed on the Calendar for tomorrow, July 3, for adoption.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 1513 (Committee Substitute), a bill to change the State tax structure for commodities and services provided by certain utilities to enable individuals to deduct the taxes on these commodities and services from their federal income, as amended, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Ballenger, Barnes of Wayne, Barnes of Forsyth, Daniels, Davis, Duncan, Edwards of Guilford, Edwards of Caldwell, Gray, Guy, Hancock, Hardison, Harrington, Harris of Mecklenburg, Harris of Cleveland, Hunt, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Martin, Marvin, Parnell, Plyler, Rand, Redman, Royall, Soles, Speed, Staton, Swain, Tally, Taylor, Thomas of Craven, Tison, Walker, Ward, Warren, White, Winner, Woodard, and Wright — 46.

Voting in the negative: Senators Hipps and Thomas of Henderson — 2.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1, without objection, by special messenger.

H. B. 1754, a bill to regulate raffles, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded).

Senator Staton moves that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails.

On motion of Senator Staton, the bill, as amended, is recommitted to the **Rules and Operation of the Senate Committee.**

S. J. R. 892, a joint resolution designating Oak Ridge Military Academy as the Military Academy of the State of North Carolina and empowering the Governor to sign its diplomas.

On motion of Senator Edwards of Guilford, consideration of the joint resolution is postponed until tomorrow, July 3.

H. B. 1654, a bill to direct the Departments of Labor, Crime Control and Public Safety, Natural Resources and Community Development, and Human Resources to study aspects of the hazardous substances right-to-know issue.

On motion of Senator Swain, the bill is re-referred to the **Appropriations Committee.**

H. B. 1789, a bill regarding limitations on State financial aid to airports.

The bill passes its second reading (electronically recorded).

On motion of Senator Swain, the bill is recommitted (electronically recorded) to the **Special Ways and Means Committee.**

S. B. 430 (House Committee Substitute), a bill creating a program of early parole for nondangerous prisoners who consent to complete service of their terms through community service, for concurrence in the House Committee Substitute bill with Amendment No. 1 not engrossed, upon third reading.

Senator Swain moves that the Senate do not concur in the House Committee Substitute bill and further moves that President appoint conferees, which motions prevail.

The President appoints Senators Swain, Hardison, Royall, Ward, and Davis as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body is such action.

(The President declares the voting equipment inoperative for the remainder of the 1983 Session.)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 1283
(Committee Substitute)

HOUSE OF REPRESENTATIVES
June 29, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment to Committee Substitute to H. B. 1283, A BILL TO BE ENTITLED AN ACT TO LIMIT CITIES IN THEIR REQUIREMENTS FOR DEDICATION OF WATER SYSTEMS AS PART OF SUBDIVISION REGULATIONS APPLICABLE TO AREAS OUTSIDE OF THE CITY LIMITS, and requests conferees. The Speaker has appointed Representatives Lancaster, Chairman; Wright, and Pulley on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Swain moves that the President appoint conferees which motion prevails. The President appoints Senators Swain, Chairman; Jenkins, and Edwards of Caldwell as conferees on the part of the Senate, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 1332
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES
June 29, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to C. S. H. B. No. 1332, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A PERSON ORDERED TO ATTEND D.W.I. SCHOOL SHALL ATTEND THE SCHOOL IN THE COUNTY OF RESIDENCE UNLESS EXTENUATING CIRCUMSTANCES EXIST AND TO EXEMPT DISTRICT ATTORNEYS FROM THE OBLIGATION TO PAY BAR DUES, and requests conferees. The Speaker has appointed Representatives Lancaster, Chairman; Tyndall, Pulley, Hunter, and Blue on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Jenkins moves that the President appoint conferees, which motion prevails. The President appoints Senators Jenkins, Swain, Duncan, Soles and Hipps as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 1413
(Committee Substitute)

HOUSE OF REPRESENTATIVES
July 2, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to Committee Substitute for H. B. No. 1413, A BILL TO BE ENTITLED AN ACT TO PROHIBIT STATE EMPLOYEES FROM RECEIVING STATE RETIREMENT BENEFITS WHILE EMPLOYED, and requests conferees. The Speaker has appointed Representatives Mavretic, Chairman; Bob Etheridge, Hunter, Barbee, and Nesbitt on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Lawing moves that the President appoint conferees, which motion prevails. The President appoints Senators Lawing, Chairman; Plyler, Rand, Harris of Cleveland, and Alford as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 110

(Senate Committee Substitute #3)

HOUSE OF REPRESENTATIVES

June 29, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute #3 for H. B. No. 110, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE COMMITTEE ON OCCUPATIONAL AND PROFESSIONAL LICENSURE TO ASSESS PROPOSALS FOR THE ESTABLISHMENT OR REVISION OF LICENSING LAWS AND PROGRAMS ACCORDING TO CRITERIA AND PROCEDURES SPECIFIED HEREIN, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully

S/ GRACE COLLINS

Principal Clerk

S. B. 21, a bill to allow an income tax deduction for amounts paid to maintain certain parents aged 65 or over, for concurrence in the House Amendment.

On motion of Senator Gray, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Gray, the Senate concurs in the House amendment and the bill is ordered enrolled.

S. B. 745, a bill to clarify the confidentiality requirements in the declaration of domiciliary home residents' rights, for concurrence in House Amendment No. 1.

On motion of Senator Gray, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Gray, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

CONFERENCE REPORT

Committee Substitute

H. B. 1283

Senator Swain for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon Committee Substitute for **H. B. 1283**, a bill to be entitled an act to limit cities in their requirements for dedication of water systems as part of subdivision regulations applicable to areas outside of the city limits, submits the following Conference Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Committee Substitute for **H. B. 1283**, A BILL TO BE ENTITLED AN ACT TO LIMIT CITIES IN THEIR REQUIRMENTS FOR DEDICATION OF WATER SYSTEMS AS PART OF SUBDIVISION REGULATIONS APPLICABLE TO AREAS OUTSIDE OF THE CITY LIMITS, wish to report as follows:

The House concurs in Senate Amendment #1 further amend the bill on page 1, line 16, by deleting "1983" and inserting in lieu thereof "1984" and the Senate and House agree to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of 1984.

S/ ROBERT S. SWAIN
S/ CECIL R. JENKINS
S/ JIM EDWARDS
*Conferees on the part
of the Senate*

S/ H. MARTIN LANCASTER
S/ RICHARD WRIGHT
S/ W. PAUL PULLEY, JR.
*Conferees on the part of the
House of Representatives*

On motion of Senator Swain, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Lawing, seconded by Senator Tison, the Senate adjourns to meet tomorrow at 1:00 P.M.

ONE HUNDRED FIFTY-SIXTH DAY

SENATE CHAMBER,
Tuesday, July 3, 1984.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, on this day we are preparing to celebrate our Nation's birth — an anniversary of freedom, of hope, of opportunity for all people. Help us to remember that the precious victories won by our forebears were not achieved easily, nor can they be preserved without our dedication and vigilance. We give You thanks for freedom, and ask that You will constantly remind us that freedom is not a privilege intended for the few, but a right which belongs to the many. We praise You that we live in a Nation dedicated to justice, and pray that You will encourage us to seek justice for every human being on the face of this, Your earth. We give You thanks for abundance, for all the good things which we enjoy and pray that You will help us to find ways to share that abundance with our brothers and sisters so that all may enjoy this good life. In the midst of our celebration, help us to remember Your children who are not as fortunate as we to live in nations where justice, freedom and abundance are so in evidence. Help us to rededicate ourselves to the struggle of all people to be free, so we may all glorify Your name and enjoy Your world. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Childers is noted.

The President declares the voting equipment inoperative.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 21, an act to allow an income tax deduction for amounts paid to maintain certain parents aged 65 or over. (Ch. 1072)

S. B. 436 (Committee Substitute No. 2), an act to provide for the licensing of persons practicing occupational therapy. (Ch. 1073)

S. B. 555, an act establishing regulation of and the licensing of the practice of geology and to establish the qualifications, training and experience for persons seeking to represent themselves to the public as geologists; creating a State board for licensing of geologists; defining the functions and duties of that board; and providing for penalties. (Ch. 1074)

S. B. 731, an act to provide an additional tax exemption for parents of individuals with cystic fibrosis. (Ch. 1075)

S. B. 745, an act to clarify the confidentiality requirements in the declaration of domiciliary home residents' rights. (Ch. 1076)

S. B. 763, an act to permit a district board of health to be composed of at least fifteen but no more than eighteen members. (Ch. 1077)

S. B. 877, an act authorizing counties to establish cemetery service districts. (Ch. 1078)

S. B. 895, an act to authorize the County of Cumberland to sell industrial sites in its industrial park without utilizing the formal bid requirements of Article 12 of Chapter 160A of the North Carolina General Statutes. (Ch. 1079)

H. B. 9 (Senate Committee Substitute), an act to update the sales tax exemption for medical equipment. (Ch. 1071)

WITHDRAWAL FROM COMMITTEE

H. B. 1451, a bill to conform Subchapter 1 of Chapter 76A of the General Statutes affecting the Cape Fear River Navigation and Pilotage Commission with the provisions of Subchapter 2 of Chapter 76A affecting the Morehead City Navigation and Pilotage Commission.

On motion of Senator Swain the rules are suspended and the bill is taken from the **Special Ways and Means Committee** and is placed on the Calendar for today.

H. B. 1754, a bill to regulate raffles, as amended.

On motion of Senator Staton the rules are suspended and the bill, as amended, is taken from the **Rules and Operation of the Senate Committee** and is placed on the Calendar for today, upon third reading.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 478, a bill to refund the amount of accumulated contributions in excess of the contributions required of other members of the Local Governmental Employees' Retirement System made by firemen not covered under the Social Security Act who were members of the Local Governmental Employees' Retirement System, for concurrence in House Amendment No. 1.

On motion of Senator Duncan, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. J. R. 892, a joint resolution designating Oak Ridge Military Academy as the Military Academy of the State of North Carolina and empowering the Governor to sign its diplomas.

Senator Edwards of Guilford offers Amendment No. 1 which is adopted, changing the title to read, **S. J. R. 892**, a joint resolution designating Oak Ridge Military Academy as the military academy of the State of North Carolina empowering the Governor to sign its diplomas, and honoring its founder, Jesse Benbow.

The joint resolution, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 110 (Senate Committee Substitute No. 3), a bill to authorize the Legislative Committee on Occupational and Professional Licensure to assess proposals for the establishment or revision of licensing laws and programs according to criteria and procedures specified herein, Conference Report, for adoption.

On motion of Senator Jenkins, the Conference Report submitted to the Senate yesterday, July 2, is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 1451, a bill to conform Subchapter 1 of Chapter 76A of the General Statutes affecting the Cape Fear River Navigation and Pilotage Commission with the provisions of Subchapter 2 of Chapter 76A affecting the Morehead City Navigation and Pilotage Commission.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1754, a bill to regulate raffles, as amended, upon third reading.

Senator Staton offers Amendment No. 3 which is adopted.

On motion of Senator Staton, the bill, as amended, is recommitted to the **Rules and Operation of the Senate Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Special Ways and Means Committee**:

H. B. 1658, a bill to repeal statutes relating to the North Carolina Water Safety Committee and Water Safety Council, with a favorable report.

On motion of Senator Swain, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1778 (Committee Substitute), a bill to amend the statute pertaining to seizure and confiscation of fish, with a favorable report.

On motion of Senator Swain, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1795, a bill to reenact former statutory authority for public sewerage systems to exercise the power of eminent domain, with a favorable report.

On motion of Senator Swain, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1797, a bill to establish the North Carolina Advisory Council on the Eastern Band of the Cherokee, with a favorable report.

On motion of Senator Swain, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

Senator Parnell requests to be recorded voting "no."

H. B. 1796, a bill to put North Carolina in compliance with a federal court decision concerning straight ticket voting, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Ballenger rises to a point of order as to the principal provisions of a bill placed on the table in committee contained in a measure before the Senate. The Chair rules that a bill placed upon the table in Committee and not reported to the Senate with an unfavorable report does not prevent the principal provisions embodied in another measure. The point of order is not sustained.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

Senator Allred requests to be recorded voting "no."

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 110

(Senate Committee Substitute No. 3)

HOUSE OF REPRESENTATIVES

June 29, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for #3 **H. B. 110, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE COMMITTEE ON OCCUPATIONAL AND PROFESSIONAL LICENSURE**

TO ASSESS PROPOSALS FOR THE ESTABLISHMENT OR REVISION OF LICENSING LAWS AND PROGRAMS ACCORDING TO CRITERIA AND PROCEDURES SPECIFIED HEREIN, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

The Chair declares the Senate in recess until 2:15 P.M. for the purpose of committee meetings.

AFTERNOON SESSION — 2:15 P. M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

WITHDRAWAL FROM COMMITTEE

H. B. 1567 (Committee Substitute), a bill to enact the Elementary and Secondary School Reform Act of 1984.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is taken from the **Appropriations Committee** and is placed on the Calendar for Thursday, July 5.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

H. B. 1793, a bill to authorize the Department of Transportation to pay for nonbetterment costs of certain water line relocations in the highway right-of-way, with a favorable report.

On motion of Senator Lawing, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 430
(House Committee Substitute)

HOUSE OF REPRESENTATIVES
July 3, 1984

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute as amended to **S. B. 430**, A BILL TO BE ENTITLED AN ACT

CREATING A PROGRAM OF EARLY PAROLE FOR NONDANGEROUS PRISONERS WHO CONSENT TO COMPLETE SERVICE OF THEIR TERMS THROUGH COMMUNITY SERVICE, the Speaker has appointed as conferees on the part of the House, Representatives Nesbitt, Chairman; Miller, Hackney, Payne, and Barnes to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

On motion of Senator Lawing, seconded by Senator Swain, the Senate adjourns to meet Thursday, July 5, at 11:00 A.M.

ONE HUNDRED FIFTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, July 5, 1984.

The Senate meets pursuant to adjournment, and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God of ages, when Your children wandered in the desert of Sinai, You fed them with quail and manna. When they were thirsty You brought forth water from the earth. We, too, sometimes find ourselves in a desert, Lord — not a desert of sand and rocks and heat, but a wilderness of the spirit. When we separate ourselves from You we begin to hunger and thirst for Your righteousness, Your wisdom, Your truth. Feed us, Lord, with bread from Heaven that will nourish our souls. Satisfy our thirst with an outpouring of Your Spirit. Fortify us all for the pilgrimage of our souls as You fortified those pilgrims so long ago, and bring us at last to that promised land where justice prevails; truth is triumphant; and peace shall reign forever. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Tuesday, July 3rd has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Barnes of Forsyth and Harrington for today.

A leave of absence granted previously to Senator Childers is noted.

The President declares the voting equipment inoperative.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 478, an act to refund the amount of accumulated contributions in excess of the contributions required of other members of the Local Governmental Employees' Retirement System made by firemen not covered under the Social Security Act who were members of the Local Governmental Employees' Retirement System. (Ch. 1086)

S. B. 807, an act to permit interstate mergers and acquisitions of savings and loan associations and savings and loan holding companies on a reciprocal basis within a specified region. (Ch. 1087)

S. B. 842, an act to appoint a person to public office upon the recommendation of the President Pro Tempore of the Senate. (Ch. 1091)

S. B. 845, an act to amend the present law relating to the theft of cable television services. (Ch. 1088)

S. B. 894, an act to appoint persons to various public offices upon the recommendation of the President of the Senate. (Ch. 1092)

H. B. 110, an act to authorize the Legislative Committee on new Occupational and Professional Licensing Boards to assess proposals to license new occupations and professions according to criteria and procedures specified herein. (Ch. 1089)

H. B. 1283 (Committee Substitute), an act to limit cities in their requirements for dedication of water systems as part of subdivision regulations applicable to areas outside of the city limits. (Ch. 1080)

H. B. 1451, an act to conform Subchapter 1 of Chapter 76A of the General Statutes affecting the Cape Fear River Navigation and Pilotage Commission with the provisions of Subchapter 2 of Chapter 76A affecting the Morehead City Navigation and Pilotage Commission. (Ch. 1081)

H. B. 1658, an act to repeal statutes relating to the North Carolina Water Safety Committee and Water Safety Council. (Ch. 1082)

H. B. 1778 (Committee Substitute), an act to amend the statute pertaining to seizure and confiscation of fish. (Ch. 1083)

H. B. 1795, an act to reenact former statutory authority for public sewerage systems to exercise the power of eminent domain. (Ch. 1084)

H. B. 1793, an act to authorize the Department of Transportation to pay for nonbetterment costs of certain water line relocations in the highway right-of-way. (Ch. 1090)

H. B. 1797, an act to establish the North Carolina Advisory Council on the Eastern Band of the Cherokee. (Ch. 1085)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Redman:

S. J. R. 896, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to

consider a bill to be entitled an act to amend the Constitution to set a two-term limit on the President Pro Tempore of the Senate and the Speaker of the House of Representatives, and to provide for their election by secret ballot.

Senator Redman offers a motion to suspend the rules to place the joint resolution before the Senate for immediate consideration, which motion fails to prevail.

Referred to **Rules and Operation of the Senate Committee.**

Senator Lawing moves that Rule 40 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Lawing:

S. J. R. 897, a joint resolution providing for adjournment *sine die* of the General Assembly.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

Senator Lawing moves that Rule 40 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Lawing:

S. J. R. 898, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to repeal Chapter 954, Session Laws of 1983.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

Senator Lawing moves that Rule 40 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Walker:

S. J. R. 899, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to correct an error in a local act concerning the Town of Liberty.

On motion of Senator Walker, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 1784 (Committee Substitute), a bill to revise and recodify Chapter 150A of the

General Statutes; to provide for proper hearings in administrative cases by establishing the positions of Chief Administrative Judge and administrative judges and for adequate judicial review by creating Superior Court judgeships to specialize in administrative cases; and to establish the North Carolina Register for the publication of matters relevant to the adoption or modification of administrative rules.

Referred to **Rules and Operation of the Senate Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. J. R. 1792, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a joint resolution honoring the memory of Ralph Campbell, Sr.

Referred to **Rules and Operation of the Senate Committee.**

H. B. 1283

HOUSE OF REPRESENTATIVES

July 4, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on H. B. No. 1283, A BILL TO BE ENTITLED AN ACT TO LIMIT CITIES IN THEIR REQUIREMENTS FOR DEDICATION OF WATER SYSTEMS AS PART OF SUBDIVISION REGULATIONS APPLICABLE TO AREAS OUTSIDE OF THE CITY LIMITS.

The speaker has ordered the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Special Ways and Means Committee:**

H. B. 1788, a bill regarding federal assistance in the purchase of navigational aids for North Carolina airports, with a favorable report.

On motion of Senator Swain, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1789, a bill regarding limitations on State financial aid to airports, with a favorable report.

On motion of Senator Swain, the rules are suspended and the bill is placed before the Senate for immediate consideration, upon third reading.

The bill passes its third reading and is ordered enrolled.

H. B. 1791, a bill to allow the State Board of Elections to reschedule the House primary and election in District 8 as redistricted, with a favorable report.

On motion of Senator Swain, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1794, a bill to provide counties more time to publish a notice about certain mineral rights, with a favorable report.

On motion of Senator Swain, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

CALENDAR

Bills and resolution on the Calendar are taken up and disposed of as follows: .

H. B. 1567, a bill to enact the Elementary and Secondary School Reform Act of 1984, as amended, upon third reading.

On motion of Senator Royall, the bill, as amended, is recommitted to the **Appropriations Committee**.

CONFERENCE REPORT

S. B. 430 (House Committee Substitute)

Senator Swain, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 430** (House Committee Substitute), a bill creating a program of early parole for nondangerous prisoners who consent to complete service of their terms through community service, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for Senate Bill 430, **A BILL TO BE ENTITLED AN ACT CREATING A PROGRAM OF EARLY PAROLE FOR NONDANGEROUS PRISONERS WHO CONSENT TO COMPLETE SERVICE OF THEIR TERMS THROUGH COMMUNITY SERVICE**, wish to report as follows: the Senate concurs in the House Committee Substitute, as amended, with the following amendments:

On page 2, line 23, insert between lines 23 and 24 the following:

“Sec. 1.1. Nothing in this act shall obligate the General Assembly to appropriate additional funds.”

On page 2, line 24, rewrite the line to read:

“Sec. 2. This act is effective upon ratification.

And the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of July 1984.

S/ ROBERT S. SWAIN
 S/ CECIL R. JENKINS
 S/ MARVIN WARD
 S/ HAROLD HARDISON
 S/ KENNETH ROYALL, JR.
*Conferees on the part
 of the Senate*

S/ MARTIN NESBITT
 S/ GEORGE MILLER
 S/ JOE HACKNEY
 S/ ANNE C. BARNES
 S/ HARRY PAYNE
*Conferees on the part
 of the House of Representatives*

On motion of Senator Swain, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The following Senators request to be recorded voting "no": Senators Barnes of Wayne, Thomas of Henderson, Hipps, and Warren.

The Chair declares the Senate in recess until 2:15 P.M. for the purpose of committee meetings.

AFTERNOON SESSION — 2:15 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison, for the **Appropriations Committee**:

S. B. 724, a bill to effect several provisions to improve the quality, reduce the overall costs and provide insurance coverage for the treatment of chemical dependency, with an unfavorable report as to bill, but favorable as to Committee Substitute bill, with amendment.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill, with amendment is placed before the Senate for immediate consideration.

On his further motion the Committee Substitute bill with amendment is adopted.

The Committee Substitute bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H. B. 665, a bill to amend the Corporation Income Tax Act to provide for solar tax credits for corporations engaged in service as well as manufacturing businesses, as amended, with a favorable report.

On motion of Senator Hardison, the rules are suspended and the bill, as amended, is placed before the Senate for immediate consideration.

The bill, as amended, passes its second and third readings and is ordered returned to the House for concurrence in Senate Amendment No. 1.

H. B. 666, a bill to amend the Individual Income Tax Act to provide for solar tax credits for individuals' service as well as manufacturing businesses, as amended, with a favorable report.

On motion of Senator Hardison, the rules are suspended and the bill, as amended, is placed before the Senate for immediate consideration.

The bill, as amended, passes its second and third readings and is ordered returned to the House for concurrence in Senate Amendment No. 1.

By Senator Lawing for the **Rules and Operations of the Senate Committee:**

H. B. 1754, a bill to regulate raffles, as amended, with a favorable report.

On motion of Senator Lawing, the rules are suspended and the bill is placed before the Senate for immediate consideration, as amended, upon third reading.

The bill, as amended, fails to pass its third reading.

H. J. R. 1792, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a joint resolution honoring the memory of Ralph Campbell, Sr., with a favorable report.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution, passes its second and third readings and is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 430

(House Committee Substitute)

HOUSE OF REPRESENTATIVES

July 5, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute for S. B. No. 430, A BILL TO BE ENTITLED AN ACT CREATING A PROGRAM OF EARLY PAROLE FOR NONDANGEROUS PRISONERS WHO CONSENT TO COMPLETE SERVICE OF THEIR TERMS THROUGH COMMUNITY SERVICE, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

The bill is ordered enrolled.

S. B. 790, a bill to clarify the procedures to insure payment of child support, for concurrence in House Amendments Nos. 1 and 2.

On motion of Senator Marvin, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Marvin, the Senate concurs in House Amendments Nos. 1 and 2, and the bill is ordered enrolled.

H. B. 1798, a bill to include registered political committees in the list of organizations allowed to conduct licensed raffles.

The Chair rules the bill contains the principal provisions of **H. B. 1754**, a bill to regulate raffles, which failed to pass its third reading.

The Chair refers the bill to the **Rules and Operation of the Senate Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 1788, an act regarding federal assistance in the purchase of navigational aids for North Carolina airports. (Ch. 1093)

H. B. 1789, an act regarding limitations on State financial aid to airports. (Ch. 1094)

H. B. 1791, an act to allow the State Board of Elections to reschedule the House primary and election in District 8 as redistricted. (Ch. 1095)

H. B. 1794, an act to provide counties more time to publish a notice about certain mineral rights. (Ch. 1096)

H. J. R. 1792, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a joint resolution honoring the memory of Ralph Campbell, Sr. (Res. 102)

RECONSIDERATION

H. B. 1754, a bill to regulate raffles, as amended.

Senator Warren, having voted on the prevailing side, offers a motion to reconsider the vote by which the bill, as amended, failed to pass its third reading, which motion is ruled out of order as the third reading has been previously reconsidered.

Senator Warren offers a motion to suspend the rules to allow the reconsideration of the bill, as amended, a second time, which motion prevails.

Senator Warren offers a motion to reconsider the vote by which the bill, as amended, failed to pass its third reading, which motion prevails and, without objection, the Chair removes the bill, as amended, from the Calendar and recomits it to the **Rules and Operations of the Senate Committee**.

On motion of Senator Lawing, seconded by Senator Soles, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED FIFTY-EIGHTH DAY

SENATE CHAMBER,
Friday, July 6, 1984.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

“Almighty God, as we bring to a close the business which has been set before this Senate, we are conscious once more of the human weaknesses and frailties that beset us all, and Your amazing grace that enables us to rise to the challenges You set before us. For all that we have done that is good and right and proper we give thanks to Your Spirit who enlivens and enlightens us all. For lapses in courage, in wisdom, in insight that have kept us from doing and being our best, we ask Your forgiveness. Bless the women and men of

this Senate, the Lt. Governor, the staff and all who have labored in this Hall for the benefit of the people. Send us away from this place with a renewed sense of gratitude for the opportunity given to us to play our part in this process, and a renewed dedication to the cause of liberty and justice for all the people. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Barnes of Forsyth, Harris of Mecklenburg, and Harrington for today and to Senator Allred for a portion of today.

A leave granted previously to Senator Childers is noted.

The President extends courtesies of the gallery to Senator Charles D. Walton, District 9 of Rhode Island, formerly of Garner, North Carolina.

The President declares the voting equipment inoperative.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 430 (House Committee Substitute), an act creating a program of early parole for nondangerous prisoners who consent to complete service of their terms through community service. (Ch. 1098)

S. B. 790, an act to clarify the procedures to insure payment of child support. (Ch. 1100)

S. J. R. 899, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to correct an error in a local act concerning the Town of Liberty. (Res. 103)

H. B. 1513 (Committee Substitute), an act to change the State tax structure for commodities and services provided by certain utilities to enable individuals to deduct the taxes on these commodities and services from their federal income. (Ch. 1097)

H. B. 1796 (Senate Committee Substitute), an act to put North Carolina in compliance with a federal court decision concerning straight ticket voting. (Ch. 1099)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee**:

H. B. 738 (Senate Committee Substitute), a bill to authorize the Legislative Research Commission to Study the issue of strict liability for damages resulting from hazardous wastes in North Carolina, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Hardison, the rules are suspended and Senate Committee

Substitute bill No. 2 which changes the title to read, a bill to be entitled an act authorizing studies by the Legislative Research Commission, authorizing additional studies, and making various appropriations for studies, is placed before the Senate for immediate consideration.

On motion of Senator Hardison, Senate Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for today, for further consideration.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

H. B. 1754, a bill to regulate raffles, as amended, with a favorable report, as amended.

On motion of Senator Lawing, the rules are suspended and the bill, as amended, is placed before the Senate for immediate consideration upon third reading, and on his further motion Committee Amendment No. 4 is adopted.

Senator Staton moves that the vote by which Amendment No. 3 was adopted be reconsidered, which motion prevails.

Without objection, Senator Staton withdraws Amendment No. 3.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments Nos. 1, 2, and 4, without objection by special messenger.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Walker moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Walker:

S. B. 900, a bill to correct an error in a local act concerning the Town of Liberty.

On motion of Senator Walker, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 738 (Senate Committee Substitute No. 2), a bill authorizing studies by the Legislative Research Commission, authorizing additional studies, and making various appropriations for studies.

The Senate Committee Substitute bill No. 2 passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Committee Substitute bill No. 2, without objection, by special messenger.

The President relinquishes the gavel to Senator Lawing, President Pro Tempore, and without objection approaches the Well of the Senate.

On motion of Senator Hardison, the remarks of Lt. Governor Green are spread upon the Journal, as follows:

"To all of you, my friends in the Senate, and fellow North Carolinians:

"I have been privileged and honored to serve in every Session of the North Carolina General Assembly since 1961.

"And, having been afforded that rare opportunity, I am more firmly convinced, at this moment, of the righteousness of our system of government — and of the great commitment of those who serve it — than I have ever been before in my life.

"I wish first to express my profound thanks to the people of North Carolina who have entrusted the Office of the Lieutenant Governor to my care and keeping for the first two consecutive terms in the history of our great State.

"During that period, it has remained the office of the people, and my staff and I have occupied it as their humble servants. It shall continue to serve that role until it is delivered into other hands.

"As this Session comes to a close, I speak to you not only as the President of the Senate — but, more importantly — as a North Carolinian addressing a great body of North Carolinians, who represent a greater body of 6,000,000 citizens who have a vital stake in what we have said and accomplished in this Assembly.

"We did not come to this Chamber of government in 1984 to begin a crusade — but, rather, to continue a crusade that began long ago.

"A crusade that has filled a large part of my life for almost three decades — and one upon which I now look back with much pride and satisfaction.

"A crusade to lift the farmer out of the dependency of changing agricultural ways and technologies, and to help put him on a firm economic foundation with other groups in our economic system.

"A crusade to help establish a sound and stable banking and thrift system.

"A crusade to see that every North Carolinian had a decent home in which to live with not only all of the necessities of life, but some of the luxuries of life as well.

"A crusade to see that every child who lives under the North Carolina flag has a normal, wholesome atmosphere with the greatest chance to acquire an education to prepare him or her for the burdens and responsibilities of life.

"A crusade for all of our people, young and old alike, whatever their station in life.

"Not only a crusade to make our life happier and fuller and freer, but a crusade likewise to provide the people of our great State the most perfect system of State government that men and women, working together in dedication, can devise.

"During my more than two decades in State office, we have built or laid the foundations of an edifice of equality and of justice to all classes of our people from the mountains to the sea.

"During that tenure of service, I have worked to help build an edifice in which all North Carolinians might dwell with pride and satisfaction and contentment.

"Not only that they might all not only have life, liberty and the pursuit of happiness, but that they might have life more abundantly; that they might have liberty, dignity and freedom; that they might not only pursue happiness, but overtake it and enjoy it and cherish it.

"In building that edifice for the working men and women of North Carolina, for agriculture, for honest business, for all segments of our society — I am proud to have been humble mechanic.

"I am proud to have laid a stone here and a brick yonder, and helping to hang the door in order that the people might come and go freely in that edifice built for them and their advancement.

"I do not know what the fate of the world holds for me. I am no prophet. I cannot see into the future any more than any other man.

"But I do know one thing. That in spite of its deficiencies, I have contributed to a system of government that is the best and most stable of any state in our Nation.

"I am proud to have been given the opportunity by the people of North Carolina to play a humble part in that great work.

"And whether I shall hold another office, or whether I shall retire to the shades and shelters of private life, I shall cherish and carry to my dying day the memory of that humble role.

"And, so long as I shall breathe the breath of life, I shall fight for those things in which I believe, and you believe, and in which all North Carolinians believe.

"When the people of North Carolina shall have rendered their verdict on behalf of my service to them and their great State, North Carolina will go forward to complete the edifice of which I spoke a moment ago.

"God grant that it will come in your day and mine.

"Thank you, and may you enjoy His blessings upon your work in the years to come."

The Senate acknowledges with a standing ovation the remarks of Lieutenant Governor James C. Green.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee**:

H. B. 1567 (Committee Substitute), a bill to enact the Elementary and Secondary School Reform Act of 1984, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion the Senate Committee Substitute bill is adopted.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

CONFERENCE REPORT

H. B. 1413

Senator Plyler for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 1413**, a bill to be entitled an act to prohibit State Employees from receiving State retirement benefits while employed, submits the following Conference Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1413, A BILL TO BE ENTITLED AN ACT TO PROHIBIT STATE EMPLOYEES FROM RECEIVING STATE RETIREMENT BENEFITS WHILE EMPLOYED, wish to report as follows: move to amend the bill on page 4, line 24, by re-writing Section 5 to read: "This act is effective September 1, 1985, but shall not apply to agreements entered into before the effective date of this act."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 6 day of July 1984.

S/ W. CRAIG LAWING

S/ AARON PLYLER

S/ OLLIE HARRIS

S/ ANTHONY RAND

S/ DALLAS ALFORD

*Conferees on the part
of the Senate*

S/ JOSEPHUS MAVRETIC

S/ BOB ETHERIDGE

S/ ROBERT HUNTER

S/ ALLEN BARBEE

S/ MARTIN NESBITT

*Conferees on the part
of the House of Representatives*

On motion of Senator Plyler, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The President of the Senate assumes the gavel.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 1801, a joint resolution honoring Ralph Campbell, Sr.

On motion of Senator Woodard, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

The Chair declares the Senate in recess until 1:20 P.M. for the purpose of committee meetings.

AFTERNOON SESSION — 1:20 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 898, a joint resolution authorizing the 1983 General Assembly, 1984 Session, to consider a bill to be entitled an act to repeal Chapter 954, Session Laws of 1983. (Res. 104)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Lawing moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Lawing:

S. B. 901, a bill to repeal Chapter 954, Session Laws of 1983.

On motion of Senator Lawing, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

The Chair declares the Senate in recess until 3:00 P.M. for the purpose of committee meetings.

AFTERNOON SESSION — 3:00 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 1413

(Committee Substitute)

HOUSE OF REPRESENTATIVES

July 6, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on C. S. H. B. No. 1413, A BILL TO BE ENTITLED AN ACT TO PROHIBIT STATE EMPLOYEES FROM RECEIVING STATE RETIREMENT BENEFITS WHILE EMPLOYED, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

H. B. 1754

HOUSE OF REPRESENTATIVES

July 6, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to H. B. No. 1754, A BILL TO BE ENTITLED AN ACT TO REGULATE RAFFLES, and requests conferees. The Speaker has appointed Representatives Hightower, Hunter, and Beam on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Lawing moves that the President appoint conferees, which motion prevails. The President appoints Senators Lawing, Harris of Cleveland, and Staton as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. J. R. 897, a joint resolution providing for adjournment *sine die* of the General Assembly, for concurrence in the House amendment.

Referred to **Rules and Operation of the Senate Committee.**

CONFERENCE REPORT

H. B. 1754

Senator Lawing for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 1754**, a bill to be entitled an act to regulate raffles, submits the following Conference Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1754, A BILL TO BE ENTITLED AN ACT TO REGULATE RAFFLES, wish to report as follows: The House concurs in Senate Amendments #1 and #2. The Senate recedes from Senate Amendment #4, and in lieu thereof inserts a new amendment to read: "Amend the bill on page 2, lines 24 and 25 by rewriting those lines to read: '(c) Raffles shall be limited to two per non-profit organization per year.' Further amend the bill on page 2, line 21, by deleting the word 'lottery', and substituting thereof the word 'game'."

And the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of July, 1984.

S/ W. CRAIG LAWING
S/ WILLIAM W. STATON
S/ OLLIE HARRIS
*Conferees on the part
of the Senate*

S/ FOYLE HIGHTOWER
S/ ROBERT HUNTER
S/ SAM BEAM
*Conferees on the part
of the House of Representatives*

On motion of Senator Lawing, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 1799, a bill to clarify amendments to the Safe Driver Insurance Plan.
Referred to **Rules and Operation of the Senate Committee.**

S. B. 634, a bill regarding continuance of foreclosure hearings when all parties have not been properly served, for concurrence in House Amendments Nos. 1 and 2.

On motion of Senator Swain, the rules are suspended and the bill is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Senate concurs in House Amendments Nos. 1 and 2 and the bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 900, an act to correct an error in a local act concerning the Town of Liberty. (Ch. 1102)

H. B. 665, an act to amend the Corporation Income Tax Act to provide for solar tax credits for corporations engaged in service as well as manufacturing businesses. (Ch. 1104)

H. B. 666, an act to amend the Individual Income Tax Act to provide for solar tax credits for individuals' service as well as manufacturing businesses. (Ch. 1105)

H. B. 1413 (Committee Substitute), an act to prohibit State employees from receiving State retirement benefits while employed. (Ch. 1106)

H. B. 1567 (Committee Substitute), an act to enact the Elementary and Secondary School Reform Act of 1984. (Ch. 1103)

H. B. 1660 (Senate Committee Substitute), an act to make technical changes to the safe roads act. (Ch. 1101)

H. J. R. 1801, a joint resolution honoring Ralph Campbell, Sr. (Res. 105)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. J. R. 892, a joint resolution designating Oak Ridge Military Academy as the Military Academy of the State of North Carolina and empowering the Governor to sign its diplomas, and honoring its founder, Jesse Benbow, for concurrence in the House Committee Substitute bill which changes the title to read, **S. J. R. 892**, a joint resolution recognizing the contribution to North Carolina by Oak Ridge Military Academy and honoring its founder, Jesse Benbow, upon concurrence.

Senator Edwards of Guilford moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Edwards of Guilford, Marion, and Ballenger as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

WITHDRAWAL FROM COMMITTEE:

S. J. R. 897, a joint resolution providing for adjournment *sine die* of the General Assembly.

On motion of Senator Lawing the rules are suspended and the joint resolution is taken from the **Rules and Operation of the Senate Committee** and is placed before the Senate for immediate consideration.

Senator Lawing moves that the Senate do not concur in the House amendment and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Lawing, Chairman; Harris of Cleveland, Barnes of

Wayne, Hardison and Royall as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 750, a bill to phase out over a five-year period the tax on intangible personal property that is now classified and taxed at specific rates, and to provide funds to partially compensate local governments for the revenue loss, for concurrence in the House amendment.

On motion of Senator Lawing, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

Senator Lawing offers a motion that the Senate do not concur which motion prevails. Upon his further motion conferees are not requested, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 1754

HOUSE OF REPRESENTATIVES
July 6, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on H. B. 1754, A BILL TO BE ENTITLED AN ACT TO REGULATE RAFFLES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

S. J. R. 897

HOUSE OF REPRESENTATIVES
July 6, 1984

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment to SJR No. 897, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY, the Speaker has appointed as conferees on the part of the House, Representatives Adams, Chairman; Watkins, Barbee, Nesbitt, and Clark to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee**:

S. B. 187, a bill to authorize a self-liquidating project at North Carolina Memorial Hospital for critical care center facilities, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 187 A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR VARIOUS LOCAL PROJECTS**, is placed before the Senate for immediate consideration and on his further motion the Committee Substitute bill is adopted.

The Committee Substitute bill passes its second and third readings and is sent to the House of Representatives by special messenger.

CONFERENCE REPORT

H. B. 933 (Committee Substitute No. 2)

Senator Swain for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon Committee Substitute No. 2 for **H. B. 933**, a bill to be entitled an act to authorize the alteration of a marriage license when a party to the marriage lawfully changes his or her name, submits the following Conference Report:

To the President of the Senate and the
Speaker of the House of Representatives

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute #2 for House Bill 933 as amended by the Senate (6/14/83), Senate Amendment #1; **A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALTERATION OF A MARRIAGE LICENSE WHEN A PARTY TO THE MARRIAGE LAWFULLY CHANGES HIS OR HER NAME**, wish to report as follows:

The Conference Committee recommends that the differences between the Senate and the House of Representatives regarding the House Committee Substitute #2 for House Bill 933 amended by the Senate (6/14/83) by Senate Amendment #1 be resolved by the adoption of the following amendment:

On page 1, line 19 after the period by deleting the phrase "If allowed" and substituting: "If the change of name is allowed,".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 21 day of July, 1983.

S/ ROBERT S. SWAIN
S/ WANDA H. HUNT
S/ JAMES H. EDWARDS
*Conferees on the part
of the Senate*

S/ DANIEL T. BLUE
S/ H. MARTIN LANCASTER
S/ FRANK W. BALLANCE, JR.
*Conferees on the part
of the House of Representatives*

On motion of Senator Swain, Conference Report No. 1 is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1376 (Committee Substitute), a bill appropriating funds for various statewide projects.

On motion of Senator Hardison, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Royall offers Amendment No. 1 which is adopted.

Senator Warren offers Amendment No. 2 which is adopted.

Without objection, Senator Davis is excused from voting on Amendment No. 2.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments Nos. 1 and 2, without objection, by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 634, an act regarding continuance of foreclosure hearings when all parties have not been properly served. (Ch. 1108)

S. B. 724, an act to effect several provisions to improve the quality, reduce the overall costs and provide insurance coverage for the treatment of chemical dependency. (Ch. 1110)

S. B. 901, an act to repeal Chapter 954, Session Laws of 1983. (Ch. 1111)

H. B. 1551 (Committee Substitute), an act to appropriate funds to the Judicial Department and the Administrative Office of the Courts. (Ch. 1109)

H. B. 1754, an act to regulate raffles. (Ch. 1107)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1376
(Committee Substitute)

HOUSE OF REPRESENTATIVES
July 6, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to CS **H. B. 1376**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR VARIOUS STATEWIDE PROJECTS, and requests conferees. The Speaker has appointed Representatives Watkins, Chairman; Adams, Bob Etheridge, McDowell, and Tennille on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Senator Hardison moves that the President appoint conferees, which motion prevails. The President appoints Senators Hardison, Chairman; Royall, Duncan, Lawing, and Harris of Cleveland as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Lawing, seconded by Senator Hipps, the Senate adjourns to meet tomorrow at 9:30 A.M.

ONE HUNDRED FIFTY-NINTH DAY

SENATE CHAMBER,
Saturday, July 7, 1984.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Senator Hardison as follows:

"Heavenly Father, we thank Thee for this, another beautiful day, and for all the many blessings that You have so richly blessed us with, and especially for the opportunity we have to assemble again as friends and laborers for the people and for Thee. We pray that whatever we may do today would be for the betterment of mankind and would be according to Thy will. We ask that you would continue to lead, guide and direct us in all our endeavors, for it is in Thy Name we pray. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Winner, for today.
A leave of absence granted previously to Senator Childers is noted.

The President declares the voting equipment inoperative.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. J. R. 892

HOUSE OF REPRESENTATIVES
July 7, 1984

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute to **S. J. R. 892**, A JOINT RESOLUTION RECOGNIZING THE CONTRIBUTION TO NORTH CAROLINA BY OAK RIDGE MILITARY ACADEMY AND HONORING ITS FOUNDER, JESSE BENBOW, the Speaker has appointed as conferees on the part of the House, Representatives Seymour, Chairperson; Church, DeVane, Pulley, and Nesbitt to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

July 7, 1984

The Chair announces that Senator Ballenger is dismissed as a Conferee and Senator Edwards of Caldwell is appointed, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Chair declares the Senate in recess until 10:15 A.M. for the purpose of Committee meetings.

MORNING SESSION — 10:15 A.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing and select committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Special Ways and Means Committee**:

H. B. 1603 (Committee Substitute), a bill to provide for the sale of clean detergents in North Carolina, with an unfavorable report.

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

H. B. 1784 (Committee Substitute), a bill to revise and recodify Chapter 150A of the General Statutes; to provide for proper hearings in administrative cases by establishing the positions of Chief Administrative Judge and administrative judges and for adequate judicial review by creating Superior Court judgeships to specialize in administrative cases; and to establish the North Carolina Register for the publication of matters relevant to the adoption or modification of administrative rules, with an unfavorable report.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 706, a bill to permit interstate banking in North Carolina on a reciprocal basis, for concurrence in the House Committee Substitute bill which changes the title upon concurrence to read **S. B. 706** (House Committee Substitute), a bill to permit interstate banking in North Carolina on a reciprocal basis and to provide for the registration and examination of bank holding companies, and to provide for the sale of clean detergents in North Carolina.

On motion of Senator Royall, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Royall rises to a point of order as to House Amendment No. 1 being germane to the original bill. Citing Rule XVI(7) of the United States House of Representatives, the Chair sustains the point of order and rules the House amendment not germane to the original bill. Senator Royall offers a motion that the House Committee Substitute bill be returned to the House of Representatives for further consideration, which motion prevails.

Without objection, Senator Johnson is excused from voting for the following reason: "Conflict of interest."

The Chair orders the House Committee Substitute bill returned to the House of Representatives.

S. B. 187 (Committee Substitute), a bill appropriating funds for various local projects and other matters, for concurrence in House Amendments Nos. 1 through 18.

On motion of Senator Lawing, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Lawing rises to a point of order stating the principal provisions of House Amendment No. 18 are contained in Committee Substitute for **H. B. 1784** (Committee Substitute), a bill to revise and recodify Chapter 150A of the General Statutes; to provide for proper hearings in administrative cases by establishing the positions of Chief Administrative Judge and administrative judges and for adequate judicial review by creating Superior Court judgeships to specialize in administrative cases; and to establish the North Carolina Register for the publication of matters relevant to the adoption or modification of administrative rules, placed on the table by an unfavorable report. The Chair sustains the point of order.

Senator Royall offers a motion that the Committee Substitute bill be returned to the House of Representatives informing that Honorable Body of the ruling of the Chair, which motion unanimously prevails.

The Chair orders the Committee Substitute bill returned to the House of Representatives.

CONFERENCE REPORT

S. J. R. 892 (Senate Committee Substitute)

Senator Edwards of Guilford, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. J. R. 892** (House Committee Substitute), a joint resolution recognizing the contribution to North Carolina by Oak Ridge Military Academy and honoring its founder, Jesse Benbow, submits the following Conference Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for **S. J. R. 892**, a joint resolution recognizing the contribution to North Carolina by Oak Ridge Military Academy, and honoring its founder, Jesse Benbow, wish to report as follows: The Senate concurs in the House Committee Substitute with the following amendments:

On page 1, lines 1 through 3, rewrite those lines to read:

"A JOINT RESOLUTION DESIGNATING THE OAK RIDGE MILITARY ACADEMY WITH THE HONORARY DESIGNATION AS THE MILITARY ACADEMY OF THE STATE OF NORTH CAROLINA, WITH NO OBLIGATION TO THE STATE, EMPOWERING THE GOVERNOR TO SIGN ITS DIPLOMAS, AND HONORING ITS FOUNDER, JESSE BENBOW."

Further amend on page 2, line 10, by adding the following immediately before the period: by designating it the official military academy of the State. This designation does not in any way obligate the State of North Carolina toward the institution, financially or otherwise.

Sec. 3. The Governor shall be empowered to sign diplomas of the future graduates of Oak Ridge Military Academy upon request of the officials of the academy."

Further amend on page 2, line 11 by renumbering Sec. 3. as Sec. 4.

And the House agrees to the same.

To this end the conferees recommend that the Senate and the House of Representatives adopt the foregoing report.

This the 7th day of July, 1984.

S/ ELTON EDWARDS

S/ GEORGE W. MARION, JR.

S/ JIM EDWARDS

*Conferees on the part
of the Senate*

S/ MARY P. SEYMOUR

S/ W. PAUL PULLEY

S/ JOHN T. CHURCH

S/ MARTIN NESBITT

*Conferees on the part
of the House of Representatives*

On motion of Senator Edwards of Guilford, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 738 (Senate Committee Substitute), an act authorizing studies by the Legislative Research Commission, authorizing additional studies, and making various appropriations for studies. (Ch. 1112)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 706 (House Committee Substitute), a bill to permit interstate banking in North Carolina on a reciprocal basis and to provide for the registration and examination of bank holding companies, for concurrence in the House Committee Substitute bill.

On motion of Senator Edwards of Caldwell, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Edwards of Caldwell, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

Without objection, Senator Edwards of Guilford is excused from voting for the following reason: "Possible conflict of interest."

Senator Thomas of Henderson requests to be recorded voting "no".

S. J. R. 892

HOUSE OF REPRESENTATIVES

July 7, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to adopt the Conference Report on House Committee Substitute for

S. J. R. 892, A JOINT RESOLUTION RECOGNIZING THE CONTRIBUTION TO NORTH CAROLINA BY OAK RIDGE MILITARY ACADEMY, AND HONORING ITS FOUNDER, JESSE BENBOW.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

H. B. 1376

HOUSE OF REPRESENTATIVES
July 7, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that Representatives Beam and Evans have been added as conferees on Committee Substitute for **H. B. 1376**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR VARIOUS STATEWIDE PROJECTS.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Edwards of Guilford moves that Rule 40 be suspended to allow the introduction and referral to committee of the following Senate resolution, which motion prevails by a two-thirds majority vote.

By Senator Edwards of Guilford:

S. R. 902, a Senate resolution recognizing Oak Ridge Military Academy as the military academy of the State of North Carolina, encouraging the Governor to sign its diplomas, and honoring its founder, Jesse Benbow.

On motion of Senator Edwards of Guilford, the rules are suspended and the Senate resolution is placed before the Senate for immediate consideration.

On motion of Senator Edwards of Guilford, the Senate Resoluton is adopted. (The text of this resolution appears in the Appendix.)

CONFERENCE REPORT

S. J. R. 897

Senator Lawing, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. J. R. 897**, a joint resolution providing for adjournment *sine die* of the General Assembly, submits the following Conference Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate

and the House of Representatives on S. J. R. 897, a joint resolution providing for adjournment *sine die* of the General Assembly, wish to report as follows:

The Senate concurs in House Amendment #1.
And the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 7th day of July 1984.

S/ W. CRAIG LAWING
S/ HAROLD W. HARDISON
S/ KENNETH C. ROYALL, JR.
S/ HENSON P. BARNES
S/ J. OLLIE HARRIS
*Conferees on the part
of the Senate*

S/ J. ALLEN ADAMS
S/ WILLIAM T. WATKINS
S/ ALLEN C. BARBEE
S/ MARTIN L. NESBITT
S/ WILLIAM E. CLARK
*Conferees on the part
of the House of Representatives*

On motion of Senator Lawing, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1689 (Committee Substitute), a bill to create the Roanoke Voyages and Elizabeth II Commission, and to appropriate funds therefor.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S. B. 187 (Committee Substitute), a bill appropriating funds for various local projects and other matters, for concurrence in House Amendments Nos. 1 through 16.

On motion of Senator Hardison, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Senate concurs in House Amendments Nos. 1 through 16 and the Committee Substitute bill is ordered enrolled.

CONFERENCE REPORT

H. B. 1376 (Committee Substitute)

Senator Hardison, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 1376** (Committee Substitute), a bill to appropriate funds for various statewide projects, submits the following Conference Report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate

and the House of Representatives on Committee Substitute for House Bill 1376: A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR VARIOUS STATE-WIDE PROJECTS wish to report as follows:

The Senate recedes from Amendment #1 and inserts the following amendment in lieu thereof:

In lieu of House Amendment #1 which is deleted, amend the bill on page 25, line 3, by adding the following at the end:

(d) No personnel other than the staff director may be appointed prior to the convening of the 1985 General Assembly.

(e) Whenever this Article requires something to be done by the co-chairmen or to be approved by the co-chairmen, it must be done or approved by a majority of them.

(f) Any expenditures of funds by the Commission, regardless of the source, must be approved by the co-chairmen."

further amend the bill on page 24 lines 16 and 20 by adding in each place immediately after the word "Director", the words "with the approval of the co-chairmen"

further amend the bill on page 24, lines 18 and 19 by deleting: ", as the Director finds necessary to carry out the purposes of this act"

further amend the bill on page 25, lines 12 through 14 by deleting "a building of prominence and historical significance within close proximity to the State Capitol Visitor Center and the center of State Government", and inserting in lieu thereof "office space in Raleigh"

further amend on page 26, lines 5 and 6 by deleting ", including penalties for unauthorized use,"

further amend the bill on page 29, line 13 by adding immediately before the period the words "for use during the term of the Commission".

The House concurs in Senate Amendment #2.

And the Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 7th day of July 1984.

S/ W. CRAIG LAWING
S/ OLLIE HARRIS
S/ CONRAD DUNCAN
S/ KENNETH C. ROYALL, JR.
S/ HAROLD W. HARDISON

S/ WILLIAM T. WATKINS
S/ SAMMY L. BEAM
S/ MARGARET TENNILLE
S/ CHARLES D. EVANS
S/ TIM McDOWELL
S/ J. ALLEN ADAMS
S/ BOBBY R. ETHERIDGE
*Conferees on the part of
House of Representatives*

*Conferees on the part
of the Senate*

On motion of Senator Hardison, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. J. R. 897

HOUSE OF REPRESENTATIVES
July 7, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on S. J. R. No. 897, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY, to the end that when a similar action has been taken on the part of Senate, you may order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

H. B. 1376

HOUSE OF REPRESENTATIVES
July 7, 1984

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on CS for H. B. No. 1376, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR VARIOUS STATEWIDE PROJECTS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

The Chair declares the Senate in recess until 3:35 P.M.

AFTERNOON SESSION — 3:35 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 187 (Committee Substitute), an act appropriating funds for various local projects. (Ch. 1114)

S. B. 706 (House Committee Substitute), an act to permit interstate banking in North Carolina on a reciprocal basis and to provide for the registration and examination of bank holding companies. (Ch. 1113)

H. B. 1376 (Committee Substitute), an act appropriating funds for various statewide projects. (Ch. 1116)

H. B. 1689 (Committee Substitute), an act to create the Roanoke Voyages and Elizabeth II Commission, and to appropriate funds therefor. (Ch. 1115)

S. J. R. 897, a joint resolution providing for adjournment *sine die* of the General Assembly. (Res. 106)

Senator Jenkins offers a motion that this Senate of the 1983 General Assembly do now adjourn *sine die*.

The President orders a message sent to the House of Representatives informing that Honorable Body that the Senate has completed the business for which it was convened and stands ready to adjourn *sine die*.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
July 7, 1984

Mr. President:

You are respectfully advised that the business of the House of Representatives has been concluded and that the Body will be ready to open the doors of the House immediately upon receipt of information from your Honorable Body that you are ready to open your doors, that the gavels may fall simultaneously and adjournment may be declared *sine die*.

Respectfully,
S/ GRACE COLLINS
Principal Clerk

Pursuant to the message that the House of Representatives has concluded the business before it and having notified that Body that the Senate has completed the business before it, the President of the Senate declares that the Senate stands ready for adjournment *sine die*.

The President orders the doors of the Senate thrown open, and the Speaker of the House of Representatives is perceived standing ready to let the gavel fall.

The motion heretofore offered by Senator Jenkins prevails.

The hour for adjournment *sine die* fixed by Resolution 106 having arrived, the President of the Senate, James C. Green, declares the Senate of the 1983 General Assembly adjourned *sine die*.

JAMES C. GREEN
President of the Senate

SYLVIA MORRIS FINK
Principal Clerk of the Senate

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SENATE RESOLUTIONS

SECOND SESSION 1984

Adopted June 11, 1984

S. R. 717, A SENATE RESOLUTION TO HONOR THE FIFTIETH ANNIVERSARY OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK, AND HONORING FRANKLIN D. ROOSEVELT FOR HIS ROLE IN ESTABLISHING THE PARK.

Whereas, the year 1984 will mark the 50th Golden Anniversary of the Great Smoky Mountains National Park and will begin the second half of a century of one of the world's great sanctuaries of wilderness area remaining today much as it was when this nation was first settled; and

Whereas, the first 50 years of the Park's existence have generated national recognition for the half-million acres in North Carolina and Tennessee known as the Great Smokies, and the Park has emerged as the most visited national park in the entire United States and the largest wilderness area in the east; and

Whereas, more than eight million visitors yearly enjoy more varieties of plant and animal life than in any other preserve in the Western Hemisphere, including the largest block of virgin timber on earth; and

Whereas, history indicates that the first public suggestion for the establishment of the Park is credited to The Reverend C. D. Smith of Franklin, North Carolina, in the 1880's; and

Whereas, the General Assembly in 1893, by resolution, requested the members of the U.S. Congress to "use their influence for the establishment of a national park in western North Carolina"; this resolution being the first governmental action of record favoring the creation of a park in the Great Smoky Mountains; and

Whereas, a movement arose in the 1920's to promote a national park in the Great Smokies and a State commission, Great Smoky Mountains, Inc., was formed to work in conjunction with a similar commission in Tennessee; and

Whereas, the movement was met with many obstacles, including private ownership of the lands, the shortage of purchase money to acquire the lands and the lack of recognition needed to make the Park worthy of admission into the select company of established national parks; and

Whereas, Congress enacted legislation in 1926 that would authorize the Great Smoky Mountains National Park to be protected and administered by the National Park Service as soon as North Carolina and Tennessee officially deeded 150,000 acres for the Park; and

Whereas, intensive fund-raising campaigns were waged in both states, and much enthusiasm was generated by young and old to establish a national park close to home; and

Whereas, the General Assembly enacted legislation in 1927 to provide for the acquisition of land in the Great Smokies and to authorize the issuance of bonds for two million dollars to purchase the land; and

Whereas, although the total Park fund continued to grow, it was estimated that an

additional five million dollars would be needed to assure the Park's success and many supporters began to doubt the reality of the Park's future; and

Whereas, after several efforts to obtain the funds were unsuccessful, Mr. John D. Rockefeller, Jr., made a gift of five million dollars to the project from the Laura Spelman Rockefeller Foundation, established earlier by John D. Rockefeller, Sr., as a memorial to his wife; and

Whereas, "the gift that saved the Park" was made in 1928, and over the years Rockefeller's interest in the Park project grew as his personal visits and community acquaintances increased; and

Whereas, extensive negotiations and lawsuits dotted the history of the acquisition of some 6,600 tracts of land including claims of individuals who thought they owned portions of those tracts; and

Whereas, because the money needed was insufficient to complete the land purchases since property values had steadily increased, President Franklin D. Roosevelt announced in August 1933 an allotment of over \$1.5 million to complete the project; and

Whereas, on June 15, 1934, Congress authorized full establishment and development of the Park as one of the nation's 13 national parks, and this date marks the official birth of the Great Smoky Mountains National Park; and

Whereas, for the past 50 years, visitors to the Park have enjoyed 1400 varieties of flowering plants, 2200 other plants, 400 animal species not including insects and microorganisms, and 150 species of trees, more species of trees than in any other national park or in all of Europe; and

Whereas, the Park has been designated by the United Nations as an International Biosphere as a part of an international system of reserves for conservation, research and monitoring; and

Whereas, while western parks were carved out of the public domain, the Great Smoky Mountains National Park is unique because it was a gift from the people of North Carolina and Tennessee, created out of privately-owned lands; and

Whereas, in this, the year of the Park's Golden Anniversary, the General Assembly leads the citizens of this State in an honorary salute to the "showcase of natural beauty," the Great Smoky Mountains National Park;

Now, therefore, be it resolved by the Senate:

Section 1. The Senate of North Carolina pauses to recognize and honor the first 50 years of the Great Smoky Mountains National Park.

Sec. 2. This resolution is effective upon adoption.

Adopted June 11, 1984

S. R. 727, A SENATE RESOLUTION URGING THE UNITED STATES OLYMPIC COMMITTEE TO HOLD THE NATIONAL SPORTS FESTIVAL IN NORTH CAROLINA IN EITHER 1986 OR 1987.

Whereas, the National Sports Festival is an activity of the United States Olympic Committee and is now the premier athletic event in the United States; and

Whereas, the National Sports Festival is the showcase of talent for America's athletic hopefuls for the Pan American and Olympic Games; and

Whereas, the Festival promotes amateur sports and the development of youth and tests the abilities of athletes over a ten-day period in July or August of each non-Olympic year, affording athletes the opportunity to compete in 33 sports of the Pan American and Olympic games; and

Whereas, since the efforts of The University of North Carolina Professor Eben Alexander with the first modern-day Olympics in 1896, the residents of North Carolina have long followed and promoted amateur athletics, by being deeply involved in and supportive of a wide range of competitive sports, and by producing some of the best athletes in the United States and the world, such as James Frances Thorpe of the 1909 Rocky Mount Railroaders Baseball Team; and

Whereas, North Carolina has some of the finest athletic facilities in the nation, particularly in its Research Triangle area of Raleigh, Durham, and Chapel Hill, where nine colleges and universities are located which are equipped with the best and most efficient accommodations and facilities for sports activities, and where some of the country's finest athletes choose to enroll; and

Whereas the citizens of North Carolina accept with great pride the challenge of hosting the National Sports Festival, the thousands of participating athletes and officials, and the many more thousands of visitors who would attend this prestigious event;

Now, therefore, be it resolved by the Senate:

Section 1. The Senate of North Carolina hereby respectfully requests the United States Olympic Committee to hold the National Sports Festival in the Research Triangle area of this great State in either 1986 or 1987, not only to further the cause of competitive sports for the youth of our nation, but to share with athletes, officials and visitors the high quality of life we enjoy in the great North State.

Sec. 2. This resolution is effective upon adoption.

Adopted July 7, 1984

S. R. 902, A SENATE RESOLUTION RECOGNIZING OAK RIDGE MILITARY ACADEMY AS THE MILITARY ACADEMY OF THE STATE OF NORTH CAROLINA, ENCOURAGING THE GOVERNOR TO SIGN ITS DIPLOMAS, AND HONORING ITS FOUNDER, JESSE BENBOW.

Whereas, Oak Ridge Military Academy, formerly Oak Ridge Military Institute, since 1852 has served the State of North Carolina and the nation by preparing young men and women for life and leadership roles consistent with the highest standards of education and character development; and

Whereas, Jesse Benbow, born in 1815, proposed in 1851 the founding of a preparatory school in the vicinity of Oak Ridge, than became one of the key founders of the Oak Ridge Military Academy in 1852, and served as a trustee until his death in 1900; and

Whereas, the effectiveness of Oak Ridge Military Academy and its antecedent Oak Ridge Military Institute is evidenced by the many alumni who have become leaders in government, education, business, the military, and the many other vocations they have pursued; and

Whereas, Oak Ridge Military Academy has maintained its educational quality through periods of natural disaster, war, economic stress, and social change and is entering its 133rd year with a renewed dedication to academic excellence and high standards of individual conduct;

Now, therefore, be it resolved by the Senate:

Section 1. The Senate of North Carolina pauses to honor Jesse Benbow and to acknowledge its debt of gratitude to him for providing education and training in leadership for the youth of North Carolina and for furnishing the impetus for founding Oak Ridge Military Academy.

Sec. 2. The Senate of North Carolina expresses its appreciation to Oak Ridge Military Academy for its many years of valuable service to the youth of North Carolina by recognizing it as the official military academy of the State of North Carolina.

Sec. 3. The Senate of North Carolina encourages the Governor to sign diplomas of the future graduates of Oak Ridge Military Academy upon the request of the officials of the Academy.

Sec. 4. This resolution is effective upon adoption.

June 7, 1984

BUDGETARY ADDRESS

by Governor James B. Hunt, Jr.

Lieutenant Governor Green, Speaker Ramsey, members of the House and Senate, distinguished guests and my fellow North Carolinians:

Next Monday evening, I will deliver my only commencement address of this year. It will not be before a major college or university, nor before a large high school. Instead, it will be before the 41 seniors of Cape Hatteras School, less than 50 miles from where the first English settlers planted their first colony 400 years ago.

I made the decision to deliver my only commencement address there for both personal and symbolic reasons.

In 1955, I was one of 76 graduating seniors at Rock Ridge High School in Wilson County. I was class Valedictorian, right proud of myself and pretty sure that I was ready to set the world on fire.

That fall, in my first semester at North Carolina State College, I found out differently. I found that my high school education had not prepared me as well as my new friends from Raleigh and Greensboro and Charlotte were prepared. I found out that I was behind, not because I had not worked hard, not because my parents did not care about education — but because of where I was from.

I promised myself then that if I could ever do anything to see that kids from the country, or kids from the wrong side of town, or kids from poor families, could have a better chance — an equal chance — for a better education, I would do it.

So I stand before this General Assembly today and ask you, the elected representatives of the people of North Carolina, to fulfill that hope for the students in a tiny, distant school on the shores of Cape Hatteras and for children in every city and every corner of this State

who deserve a decent education, a fair chance to make a success of their lives, and a good job.

This is no ordinary "short budget session" of the General Assembly.

The responsibility for action here surpasses any personal or political agenda we bring to these halls. The people of North Carolina are ready for action for excellence in education. The challenges of a growing economy and a changing world will not wait. The decisions you make during this session will determine whether the next generation will take North Carolina farther than any of us dream, or whether tomorrow will pass us by.

The children of North Carolina deserve a dramatic improvement in their schools, and our generation must meet that responsibility to their generation.

Those who came before us — Governors like Aycock and Sanford, far-sighted Senators and Representatives — met their responsibility. Their wisdom and their courage, again and again over the past three decades, have transformed North Carolina.

Today we are building a new economy based on new technologies. We have combined a tradition of agriculture and manufacturing with the promise of science and technology. We have preserved a small-town way of life and productivity, yet prospered from a big-city vitality.

We have built something special in North Carolina, and we are the envy of the nation. As a place to do business, as a place to live, as a place to raise a family, as a place to visit — North Carolina has emerged literally as the nation's leader.

But a leader cannot be lazy, for other states are nipping at our heels — Tennessee, South Carolina, Virginia. Still others are spurred on to action — California, Texas, Massachusetts. The competition is fierce — for economic growth, for jobs, for the future. Our state and our children can compete with the best — if we give them the kind of education that tomorrow's economy will require. We have good schools today and those who deny that don't know what they are talking about. But we must make them better.

North Carolina can afford to make that investment. We have survived the most serious economic recession of the last 40 years, when 10 percent of our people were out of work. And we did so without cutting essential services to our people or firing State personnel. We did it by dedicated teachers and State employees accepting limited salary increases. Now North Carolina is leading the nation's recovery. Our economic growth — not higher taxes — has generated the capital we need to invest in our schools, our children and our future.

There is widespread agreement throughout our State, indeed a mandate from our people, that we must make this investment in education and that we must make it in a way that will bring strong economic growth to every single area of North Carolina.

To determine just what that requires, I appointed last year a 50-member Commission on Education for Economic Growth — business executives, educators, legislators, school board members, labor leaders, parents, students and dedicated citizens.

They heard from more than 250 people during their hearings across this State. They spent countless hours studying what other states are doing. They received advice from representatives of 32 organizations that have an interest in North Carolina's schools.

I ask you to give their recommendations your serious consideration during this session. And I ask your permission now to have the members of the commission who are present,

and its co-chairs Bland Worley and Dick Spangler, to stand so that we might thank them for the contribution they have made to North Carolina.

If we follow their recommendations, many of which are paralleled by the Education Policy Council which will present its main report to you next January, we can make excellent schools the vehicle to give North Carolina unquestioned economic leadership among the states of this nation.

But I caution you: there is no quick fix — no easy road. We must make deep, profound changes in our schools. We must take bold, ambitious strides forward, not timid steps.

We must take action in six areas:

First, we must build a team, a “partnership,” of businesses, churches, civic groups and citizens, that is excited about, involved in and committed to improving the schools. And they must have “staying power.”

Second, we must reform and strengthen our curriculum so that our children are learning the abilities and skills they need to hold a good job and be good citizens. No more “cotton candy courses” or social promotions. Students should know we have high expectations of them. And a passing report card and a high school diploma should be a guarantee anywhere in our State that essential competencies have been mastered.

Third, we must develop a higher regard for our teachers, recruit the best we can get, train them in the way business trains its best, and pay them like the professionals they are.

Fourth, we must follow up on our nationally acclaimed Primary Reading Program which has virtually eliminated “non-readers” in grades K – 3, by reducing class size to 26 in grades four through six. We should relieve teachers of distracting non-teaching duties and provide them with clerical assistance as soon as possible.

Fifth, we must clearly understand that good principals and superintendents will run good schools. So we must pay them on a level competitive with business and help principals and school administrators develop the management strengths that will inspire and motivate teachers and students alike.

Sixth, we must see that every single child — those who live in the country, those who have special talents, those who have special problems, every single child — has the chance for a good education.

The most expensive investment I am recommending — and the most important — is in the people who teach our children. We must attract the best and the most dedicated people into teaching, and that means paying salaries that are competitive with what those people make in private industry.

So I am recommending for all certified education personnel a 10 percent salary increase, and that you as the Legislature reclassify them up one grade for an additional increase of about five percent. We should aim for a pay scale that offers an experienced and able teacher the chance to make \$35,000 a year, or more.

Of equal importance, I am recommending that the State of North Carolina develop a new way of paying teachers. I urge that the 1985 Legislature establish a career development plan to provide extraordinary rewards for extraordinary teachers, not just for reaching the upper levels of seniority, but for reaching the upper levels of competence and effectiveness as well. And I want the word to go out here and now that salaries for the best teachers in the future will compare with the best salaries in other professions.

In addition, one of the recommendations I am making to you is to establish free scholarships for students who want to become teachers, and the State Board of Education is already developing a plan to attract the best students into teaching in the years ahead.

I am recommending that we test students in grades three, six and nine to determine that they have mastered the competencies necessary at that level. If not, students should be held back and provided strong and effective remedial programs, including free summer school, until they have earned promotion.

I recommend that we strengthen vocational programs, math and science laboratories, and that we buy new textbooks and computers.

Dropout prevention programs should be expanded, and an Office of Rural Education created to work on behalf of children who live in remote, rural areas.

Finally, two concerns of parents that have been too often ignored should be addressed squarely. An Office of School Discipline should be created at the State level and modest funds made available to every school district to deal with disruptions and discipline problems. Nine pilot projects are working across North Carolina now. We can and we must make every school safe and conducive to learning.

The men who took the beaches and parachuted behind the lines at Normandy made their sacrifices and were successful for reasons far beyond their ability to read and compute and punctuate correctly. They were committed to certain "values" that this country stood for.

And we must develop plans to incorporate the teaching of positive values in our public schools. Boards of Education should develop materials and methods for teaching these values such as patriotism, responsibility, good citizenship, honesty, courage, compassion and respect for other persons and other cultures, and free enterprise.

This is an ambitious agenda, but it is achievable. As Governor, I urge that you pass every recommendation of the Commission on Education for Economic Growth. This is the year to "seize the future" for North Carolina's schools, but your commitment should not be for this year alone. Many of the recommendations of the Commission are for the next biennium and for the years beyond. Indeed, making our schools excellent, world-competitive is a job for the rest of this decade and through the year 2000.

I will ask that you make other investments in our State's future in this session.

I urge you to enact a seven-part package of compensation and benefits to our loyal State employees:

- A 10 percent cost of living salary increase for active employees.
- A 10 percent cost of living increase for retirees.
- More flexibility and funds for salary adjustments (reclassifications).
- Addition of the 10th step in the State Employees' Salary Increment Program for 1984 - 85.
- Elimination of the salary grade 50 from the State Employees' Salary Schedule.
- Changing the Teachers' and State Employee's Retirement Formula from 1.57 percent to 1.60 percent.
- Recommendation of the reinstatement of the Salary Increment Program in the biennial budget beginning July 1, 1985, in effect reinstating the merit system. (This budget will go to the printer in November or early December of 1984.)

We must pass a Clean Water Budget to protect North Carolina's rivers, streams and lakes against pollution.

I urge that we improve our juvenile correction programs and that we extend statewide our "workfare" program that has proved effective in getting people off of welfare rolls and into paying jobs.

Let me conclude with a personal word to the members of this General Assembly.

It has been my honor and privilege over the past 12 years to serve with members of this body, past and present.

During my eight years as Governor we have had a time of challenge and change. We have had to ride out storms of recession and inflation, of political reaction and political renewal. I'm proud that in the beginning of my first year as Governor, we had a beginning credit balance of \$68.5 million. Today, we enter our eighth year with a credit balance of \$225 million. And we have enacted no broad-based tax increases.

Our accomplishments in economic growth, high technology, human development, education, and the preservation of our natural resources have been impressive, and we have made North Carolina clearly one of the leading states, not just of the South, but of the nation.

Yes, we've had our disagreements. And we will always have those who criticize what we did yesterday, doubt what we are doing today and question what we will be tomorrow.

But North Carolina has cast its lot with the future. We have faced tomorrow with hope — not with fear, with courage — not with hesitation, with belief in ourselves and in each other — not with doubt.

That is the spirit that has prevailed in these halls, in the hearts and minds of the men and women who work and serve here. And it is particularly the driving spirit behind two of the finest leaders with whom it has been my honor to serve here: Lieutenant Governor Jimmy Green and Speaker of the House Liston Ramsey.

That, my friends, is the spirit that has moved North Carolina forward for 400 years.

For myself and for my State, I give thanks to God for the wisdom and the courage and the vision that has walked in these halls. And I give special thanks for you, the men and women with whom it has been my privilege to serve and whose trust and friendship I shall cherish as long as I live.

Thank you.

SENATE STAFF

OFFICE OF THE PRESIDENT

Lieutenant Governor
Administrative Assistants

James C. Green
Arlene Pulley
William H. Franklin, Jr.
George C. Jones

Press Secretary
Secretaries

Vernon Morton
Sarah B. Hanner
Judy Hodges
Mary Ann Dusenbury

OFFICE OF THE PRESIDENT PRO TEMPORE

President Pro Tempore
Administrative Assistant

W. Craig Lawing
Ruth Holmes

OFFICE OF THE PRINCIPAL CLERK

Principal Clerk
Administrative Assistant
Calendar Clerk
Assistant Calendar Clerks

Sylvia Morris Fink
Barbara R. Richardson
Susan Thompson
Marianne Brooks
Joyce Bunn
Emma E. "Bill" Farrow

Journal Clerk
Assistant Journal Clerks

Mary Lee Taylor
Mary Puryear
Barbara Burgess
Tulasi Chittor
Lisa Pittman
Mildred Stone

READING CLERK

LeRoy Clark, Jr.

OFFICE OF THE SERGEANT-AT-ARMS

Sergeant-at-Arms
Deputy Sergeant-at-Arms
Assistants

Gerda B. Pleasants
Royster Baker

Johnnie Burke
Henry Copley
Rita DeMent
Mary Denning
Renee Duffie
Bruce Hargrove
Kate Hearn

W. H. Horton
Alyson Hyman
Laura Marsh
Jimmy Phipps
Adair Pulley
Jesse Rice

SECRETARIES

Supervisor

Joan Leatherman

<i>Name</i>	<i>Senator</i>	<i>Clerk of Committee</i>
Pamela Allsbrook	Daniels	Small Business
Jane Bagley	H. Barnes	Judiciary III
Sybil Barnes	Tison	Economy
Jerry Batchelor	Staton	State Government
Judy Britt	Jordan	Base Budget
Bettie Browne	Winner	
Kelly Chambers	Wright	
Hazel Cooper	R. Thomas	Ways and Means
Anita Drum	Marvin	Constitutional Amendments
Patricia Dupree	Martin	
Sue Floyd	Rauch	Finance
Chris Gallagher	Rand	Law Enforcement & Crime Control
Carolyn Gooden	Swain	Special Ways & Means Appropriations on Justice & Public Safety
Joan Hardison	Ward	Appropriations on Education
Pamela J. Harris	Allred	
Melody Hiatt	Jenkins	Insurance
Jane Holliday	Harrington	Ways and Means
Ruth Holmes	Lawing	Rules & Operation of the Senate
Carolyn Honeycutt	Walker	Appropriations on Human Resources
Sue A. Horton	Johnson	Housing
Pat House	Alford	Appropriations on Natural & Economic Resources
Marianne Jacobi	Tally	Higher Education
Susan Jarrell	Davis	
Ellen Johns	Hardison	Appropriations
Brenda Johnson	R. Barnes	Veterans & Military Affairs
Betty Lee	Childers	Manufacturing, Labor & Commerce
Sarah Long	Redman	
Porchia M. Mays	Marion	Local Government & Regional Affairs
Landon McKinney	K. Harris	
Martha McLaughlin	Speed	Education
Lynda Milam	Parnell	Appropriations on General Government

SECRETARIES (continued)

<i>Name</i>	<i>Senator</i>	<i>Clerk of Committee</i>
Pat Misner	J. Thomas	Natural and Economic Resources & Wildlife
Nan D. Moore	Taylor	
Beverly Moser	Hunt	
Sarah Murphy	White	Agriculture
Elaine Myers	Plyler	Pensions & Retirement
Lorraine Newsome	Royall	Coordinator of Committees
Phyllis Porter	Kincaid	
Janet Pruitt	O. Harris	Human Resources
Nancy Pulley	Guy	Public Utilities & Energy
Janet Puryear	Soles	Judiciary II
Sue Robertson	Duncan	Finance
Hellon Senter		
Bettie Simpkins	Hancock	State Government
Ellen P. Stainback	E. Edwards	Base Budget
Patricia Teston	J. Edwards	Banking
Lois Tyree	Ballenger	
Alice L. Wall	Warren	Transportation
Nancy Wilson	Gray	Senior Citizens Affairs
Sandra Wood	Hipps	Local Government & Regional Affairs
Cynthia Woodall		
Betty Yelton	Woodard	Election Laws

APPOINTMENTS

SHARED BY
THE LIEUTENANT GOVERNOR
AND

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

The following appointments to Boards, Commissions and Committees were made during 1983 and 1984 by the President of the Senate, the Honorable James C. Green, Lieutenant Governor, and the Honorable Liston B. Ramsey, Speaker of the House of Representatives.

Chapters 886 and 911 of the Regular Session, Chapters 1 and 2 of the Extra Session and Chapters 1034, 1092, and 1116 of the Second Session, 1983 Session Laws were enacted in compliance with G. S. 120-121 which outlines the procedure for legislative appointments.

Appointed Expires

ADMINISTRATIVE PROCEDURES ACT, STUDY COMMISSION

(Res. 51, 1983 Session Laws)

By Lieutenant Governor: 9/2/83

- Senator Cecil R. Jenkins, Jr. (Co-Chairman)
- Senator Ollie Harris
- Senator Charles W. Hipps
- Senator Robert M. Davis, Sr.
- Senator R. C. Soles, Jr.
- Senator Anthony E. Rand
- Senator Robert S. Swain

By Speaker: 9/15/83

- Rep. William T. Watkins (Co-Chairman)
- Rep. Allen Adams
- Rep. Sam Beam
- Rep. Hugh A. Lee
- Rep. George Miller, Jr.
- Rep. Harry Payne, Jr.
- Rep. Robert L. Slaughter

ADMINISTRATIVE RULES REVIEW COMMISSION, GOVERNOR'S

(G. S. 120-30.26) (Term — two years)

By Lieutenant Governor: 8/26/83

- Mr. William Arthur Barnes, Jr.*
- Mr. Jimmy L. Love*
- Mr. Wade M. Smith*

By Speaker: 11/1/83 10/31/85

- Ms. Catherine Biggs Arrowood*
- Mr. Howard Twiggs*
- Mr. George A. Hux*

*Citizen Appointee

Appointed *Expires*

ADVISORY BUDGET COMMISSION

(G. S. 143-4) (Term — two years)

By Lieutenant Governor:	1/12/83	1/15/85
Senator Melvin R. Daniels, Jr.		
Senator Conrad R. Duncan, Jr.		
Senator Harold W. Hardison		
Senator Kenneth C. Royall, Jr.		
Senator Benjamin T. Tison	3/14/83	
By Speaker:		1/15/85
Rep. Al Adams	1/13/83	
Rep. Jo Graham Foster	3/4/83	
Rep. Dwight Quinn	3/4/83	
Rep. Jeff H. Enloe, Jr.	1/13/83	
Rep. Luther R. Jeralds	3/4/83	

AGING, GOVERNOR'S ADVISORY COUNCIL

(G. S. 143B-181) (Term — four years)

By Lieutenant Governor:		
Mr. James H. McCombs*	7/20/82	6/30/86
Mrs. Maude Morrow*	8/26/83	6/30/87
By Speaker:		
Mrs. Jaunita Dixon*	7/6/82	6/30/86
Mr. Albert Jennings Martin*	7/23/84	6/30/88

AGRICULTURAL FACILITIES FINANCE AGENCY, N.C.

(Chapters 789 and 1070, 1983 Session Laws)

By Lieutenant Governor:		
(Not appointed at time of printing)		
By Speaker:	7/10/84	5/21/85
Mr. Mack Reid Hudson*		

ALARM SYSTEMS LICENSING BOARD

(G. S. 74D-4) (Term — three years)

By Lieutenant Governor:	9/22/83	9/30/86
Mr. Ralph C. Brown*		
By Speaker:	10/1/83	9/30/86
Mr. W. Carson Ellis*		

AGRICULTURE, FORESTRY, AND SEAFOOD AWARENESS, STUDY COMMISSION

(Ch. 915, 1983 Session Laws) (Report date 3/1/85)

By Lieutenant Governor:	9/26/83	
Senator Vernon E. White (Co-Chairman)		
Mr. Thomas C. Ellis*		
Mr. Harry Glenn Jarvis*		
Mr. Edwin W. Woodhouse*		
By Speaker:	8/12/83	
Rep. Vernon James (Co-Chairman)		
Rep. Jeff H. Enloe, Jr.		
Rep. Edith Lutz		
Rep. George S. Robinson		

*Citizen Appointee

*Appointed Expires***AMERICA'S FOUR HUNDREDTH ANNIVERSARY COMMITTEE**

(Res. 35, 1983 Session Laws)

By Lieutenant Governor:	4/6/84	
Senator Melvin R. Daniels, Jr.		
Senator Wanda H. Hunt		
Senator Helen Rhyne Marvin		
By Speaker:	4/11/84	
Rep. Charles D. Evans (Chairman)		
Rep. C. B. Hauser		
Rep. Margaret B. Hayden		
Rep. Margaret Tennille		
Rep. Betty Dorton Thomas		

ARCHEOLOGICAL ADVISORY COMMITTEE

(G. S. 143B-66) (Term — four years)

By Lieutenant Governor:	10/6/81	10/5/85
Senator Rachel G. Gray		
By Speaker:	8/9/83	6/30/87
Rep. Bertha M. Holt		

ART, N.C. MUSEUM OF, BOARD OF TRUSTEES

(G. S. 140-5.13(b)(5)) (Term — two years)

By Lieutenant Governor:		
Mr. W. D. Stedman*	7/22/83	6/30/85
By Speaker:		
Mrs. Mariam Cannon Hayes*	7/10/84	6/30/85

ART IN STATE BUILDINGS

(G. S. 143-408.4) (Term — two years)

By Lieutenant Governor:	7/22/83	6/30/85
Mrs. Rosemond Tipton*		
By Speaker:	7/27/83	6/30/85
Douglas C. Forrest*		

BANKING COMMISSION, STATE

(G. S. 53-92) (Term — four years)

By Lieutenant Governor:	7/22/83	4/1/87
Mr. Joseph I. Marshall*		
By Speaker:	7/27/83	4/1/87
Mr. Robert H. Gage*		

**BLIND, CONSUMER AND ADVOCACY
ADVISORY COMMITTEE FOR THE**

(G. S. 143B-164) (Term — two years)

By Lieutenant Governor:		
(Not appointed at time of printing)		
By Speaker:	8/10/83	6/30/85
Rep. Jeanne Fenner		

*Citizen Appointee

	<i>Appointed</i>	<i>Expires</i>
CAPITAL BUILDING AUTHORITY		
(G. S. 129-40) (Term — two years)		
By Lieutenant Governor:	7/22/83	6/30/85
Theodore P. Nordman*		
Frank A. Ward*		
By Speaker:	7/27/83	6/30/85
Charles Hubbard*		
Jimmy L. Moore*		
CAPITAL PLANNING COMMISSION		
(G. S. 143B-374) (Term — coincides with legislative office)		
By Lieutenant Governor:	9/1/83	
Senator James D. Speed		
Senator William W. Staton		
Senator Robert D. Warren		
Senator Wilma C. Woodard		
By Speaker:	1/10/83	12/31/84
Rep. Marvin D. Musselwhite		
Rep. Henry M. Tyson		
Rep. Allen Adams		
Rep. Margaret Stamey		
CEMETERIES, ADVISORY COMMITTEE ON ABANDONED		
(G.S. 143B-128) (Term — four years)		
Lieutenant Governor:	1/19/82	6/30/85
Mr. James M. Campbell*		
By Speaker:	9/15/83	6/30/87
Rep. Gordon H. Greenwood		
CHILD DAY-CARE LICENSING COMMISSION		
(G. S. 143B-376) (Term — three years)		
Lieutenant Governor:	2/2/82	12/31/84
Mrs. Rachel Frazier*		
Mrs. Agnes Love*		
By Speaker:	12/16/81	12/31/84
Mrs. Lois Queen*		
Mrs. Pamela Jordan Uzzle*		
CHILD AND FAMILY SERVICE INTERAGENCY COMMITTEE		
(G. S. 143B-426.3) (Term — two years)		
By Lieutenant Governor:	10/4/83	1/31/85
Senator Helen Rhyne Marvin		
By Speaker:	9/23/83	2/1/85
Rep. Louise Brennan		
CHILDREN AND YOUTH, GOVERNOR'S ADVOCACY COUNCIL ON		
(G. S. 143B-415) (Term — four years)		
By Lieutenant Governor:		
Senator Helen Rhyne Marvin	8/12/81	6/30/85
Senator Lura S. Tally	2/21/83	6/30/85
By Speaker:	8/10/83	6/30/85
Rep. Tom C. Womble		
Rep. Walter B. Jones		

*Citizen Appointee

*Appointed Expires***CHILDREN WITH SPECIAL NEEDS, COMMISSION ON**

(G. S. 120-58) (Term — two years)

By Lieutenant Governor:	9/13/83	
Senator William G. Hancock, Jr.		
Dr. Robert G. Jeffers*		
Senator Marvin Ward		
Senator Russell Walker		
By Speaker:	8/23/83	
Rep. Jeanne Fenner		
Rep. Margaret B. Hayden		
Rep. Vernon G. James		
Mr. Cornelius Hunt*		

CHIROPRACTIC EXAMINERS, STATE BOARD OF

(G. S. 90-139 (b))

By Lieutenant Governor: (Term — three years)		
Dr. Fletcher Keith*	6/30/82	6/30/85
By Speaker: (Term — two years)		
Dr. G. Kenneth Miller*	7/27/83	6/30/85

CODE OFFICIALS QUALIFICATION BOARD, NORTH CAROLINA

(G. S. 143-151.9) (Term — four years)

By Lieutenant Governor:		
Mr. John A. Parham*	7/1/84	6/30/88
Mr. W. Tompson Cox, P.E.*	9/14/82	7/1/86
Mr. Schuyler Drake Conklin*	7/7/83	7/1/87
Mr. Theodore P. Nordman*	9/9/81	7/1/85
By Speaker:		
Mr. W. P. Watson*	10/6/80	6/30/84
Mr. Perry Plemmons*	7/30/81	6/30/85
Mr. Howard Liner*	8/11/81	6/30/85
Mr. Howard V. Page*	8/10/83	6/30/87

COURTS COMMISSION, N.C.

(G. S. 7A-506) (Term — two/four years)

By Lieutenant Governor:		
Senator Anthony E. Rand	8/31/84	6/30/85
Mr. Fielding Clark II*		6/30/87
Mr. E. Lawrence Davis*		7/1/85
Mr. Earl Parker*	8/31/84	6/30/87
Senator R. C. Soles, Jr.		7/1/85
Mr. Howard Twiggs*		6/30/87
By Speaker:		
Hon. David M. Britt*	8/11/83	6/30/85
Rep. Robert C. Hunter		6/30/87
Hon. Ralph S. Knott*		6/30/85
Rep. Hugh A. Lee		6/30/85
Rep. Marvin D. Musselwhite, Jr.		6/30/87
Rep. Dennis A. Wicker		6/30/87

*Citizen Appointee

Appointed Expires

CRIME COMMISSION

(G. S. 143B-478) (Term — two years)

- By Lieutenant Governor: 8/29/83 3/1/85
 Senator Robert Swain
 Senator R. C. Soles, Jr.
- By Speaker: 8/9/83 2/28/85
 Rep. Frank W. Ballance, Jr.
 Rep. Joe Hackney

CRIMINAL CODE REVISION STUDY COMMISSION

(Ch. 921, 1983 Session Laws)

- By Lieutenant Governor: 9/12/83 1/1/85
 Senator James H. Edwards (Co-Chairman)
 Senator William N. Martin
 Senator Anthony E. Rand
 Senator Dennis J. Winner
 Mr. Fred J. Williams*
 Mr. H. W. Zimmerman*
- By Speaker: 8/22/83 1/1/85
 Rep. Dan Blue (Co-Chairman)
 Rep. Timothy H. McDowell
 Rep. Joseph B. Roberts III
 Rep. Robert L. Slaughter
 Dr. Leon H. Corbett*
 Mr. Steve Martin*

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

(G. S. 17C-3) (Term — two years)

- By Lieutenant Governor: 7/22/83 6/30/85
 Mr. David K. Clark*
- By Speaker: 7/27/83 6/30/85
 Mr. Sankey Wright Robinson*

CRIMINAL JUSTICE INFORMATION SYSTEM AND COMPUTERIZED RECORDS STUDY

(Ch. 825, 1983 Session Laws) (Report Date 2/5/85)

- Lieutenant Governor: 9/30/83
 Ms. Christine W. Williams* (Co-Chairman)
 Senator James H. Edwards
 Mr. Edward W. Grannis, Jr.*
 Senator William G. Hancock, Jr.
 Mr. Frederick K. Heineman*
 Mr. Joel E. Lawhon*
- By Speaker: 8/22/83
 Rep. George Miller, Jr. (Co-Chairman)
 Rep. Marie Colton
 Rep. Howard Coble
 Mr. J. Michael Carpenter*
 Mr. Buddy R. McKinney*
 Mr. Frank Watson, Jr.*

*Citizen Appointee

*Appointed Expires***DISABILITIES, GOVERNOR'S ADVOCACY COUNCIL FOR PERSONS WITH**
(G. S. 143B-403.2) (Term — two years)

By Lieutenant Governor:

Mr. Robert A. Bryan, Jr.* 9/13/83 7/1/85

By Speaker:

Mrs. Pat Lloyd* 7/27/83 6/30/85

DISABILITY REVIEW COMMISSION

(Ch. 880, 1983 Session Laws) (Report Date 4/30/84)

By Lieutenant Governor: 8/4/83

Senator Ollie Harris

Senator Russell Walker

By Speaker: 9/1/83

Rep. John W. Varner

Rep. C. R. Edwards

DISCIPLINARY HEARING COMMISSION OF N.C. STATE BAR

(G. S. 84-28.1) (Term — three years)

By Lieutenant Governor: 9/28/83 6/30/86

Mr. Joe Henderson*

By Speaker: 7/20/82 6/30/85

Mr. John W. Beach*

ECKERD WILDERNESS EDUCATIONAL SYSTEM OF NC BOARD OF

(By-laws of EWES of NC)

By Lieutenant Governor:

Mr. Enoch M. "Eddie" Turnage* 8/29/83 6/30/85

Senator Kenneth C. Royall, Jr. 7/23/81 6/30/84

By Speaker:

Rep. Louise Brennan 7/7/82 6/30/85

Rep. J. Paul Tyndall 7/19/84 6/30/87

ECONOMIC DEVELOPMENT BOARD

(G. S. 143B-434) (Term — coincides with legislative office)

By Lieutenant Governor:

(No Designee)

By Speaker:

Mr. C. Randall Rabon* (Designee) 3/22/83 12/31/84

EDUCATION COMMISSION OF THE STATES

(G. S. 115C-104) (Term — as Legislature determines)

(Not appointed at time of printing)

EDUCATION COUNCIL, NORTH CAROLINA

(G. S. 115C-105)

By Lieutenant Governor 7/22/81

Senator James D. Speed

By Speaker: 8/10/83 6/30/85

Rep. Jo Graham Foster

*Citizen Appointee

Appointed Expires

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

(G. S. 143-510) (Term — coincides with Legislative office)

- By Lieutenant Governor:
 - (Not appointed at time of printing)
- By Speaker: 8/10/83 12/31/84
 - Rep. R. D. Beard
 - Rep. Charles M. Beall

EMPLOYEE HOSPITAL AND MEDICAL BENEFITS COMMITTEE

(G. S. 135-38, Ch. 452, 1983 Session Laws) (Term — two years)

- By Lieutenant Governor:
 - Senator W. Craig Lawing, President Pro Tempore
 - Senator Kenneth C. Royall, Jr., Majority Leader
 - Senator Harold W. Hardison, Chairman — Appropriations
 - Co-Chairman — Base Budget, Finance
 - (One additional Senator by President)
- By Speaker:
 - Rep. Allen C. Barbee, Speaker Pro Tempore
 - Rep. Allen Adams, Chairman — Appropriations/Base Budget
 - Rep. William T. Watkins, Chairman — Appropriations/Expansion
 - Rep. Dwight W. Quinn, Chairman — Finance
 - Rep. George W. Miller, Jr. 9/20/83 6/30/85
 - Rep. Timothy H. McDowell

ENERGY POLICY COUNCIL, NORTH CAROLINA

(G. S. 113B-3) (Term — two years)

- By Lieutenant Governor: 9/13/83 1/31/85
 - Senator Henson P. Barnes
 - Senator A. D. Guy
- By Speaker: 8/10/83 1/31/85
 - Rep. Joe Hackney
 - Rep. Sidney A. Locks

ENVIRONMENTAL MANAGEMENT COMMISSION

(G. S. 143B-283) (Term — two years)

- Lieutenant Governor: 7/22/83 6/30/85
 - Mr. Larry Fitzpatrick*
 - Mr. Alton G. Elmore*
- By Speaker: 7/27/83 6/30/85
 - Mr. Charles Pinkey Francis*
 - Dr. Garrett A. Smathers*

*Citizen Appointee

*Appointed Expires***ETHICS, LEGISLATIVE COMMITTEE**

(G. S. 120-99) (Term — coincides with legislative term)

By Lieutenant Governor:	1/20/83	
Senator Marshall Rauch		
(Chairman) (Term — one year)		
Senator Julian R. Allsbrook		
Senator Donald R. Kincaid		
Senator William W. Redman, Jr.		
Senator R. P. Thomas		
By Speaker:	1/27/83	12/31/84
Rep. Margaret P. Keese-Forrester		
Rep. Ruth M. Easterling		
Rep. George M. Holmes		
Rep. Charles D. Evans		

EXCEPTIONAL CHILDREN, COUNCIL ON EDUCATIONAL SERVICES FOR

(G. S. 115C-121) (Term — two years)

By Lieutenant Governor:	10/3/83	6/30/84
Senator Helen Rhyne Marvin		
Senator Lura Tally		
By Speaker:	8/11/83	6/30/85
Rep. Ed N. Warren		
Rep. C. B. Hauser		

FARM OPERATIONS COMMISSION, STATE

(G. S. 106-26.13) (Term — two years)

By Lieutenant Governor:	7/22/83	6/30/85
Robert Z. Falls*		
By Speaker:	7/27/83	6/30/85
Clifton H. Moore*		

FARMWORKERS COUNCIL, N.C.

(G. S. 143B-426.30) (Term — coincides with legislative term)

By Lieutenant Governor:	10/3/83	
Mr. Edward D. Bissette*		
Mr. Walter Cannady*		
By Speaker:	8/11/83	
Rep. Malcolm Fulcher		
Rep. Henry M. Tyson		

FIRE COMMISSION, STATE

(G. S. 143B-481) (Term — two years)

By Lieutenant Governor:	7/22/83	6/30/85
Henry L. Bridges*		
By Speaker:	7/27/83	6/30/85
Mr. Ernest Leroy Caraway*		

*Citizen Appointee

Appointed Expires

FIRE SERVICE TRAINING PROGRAMS, SPECIAL LEGISLATIVE COMMITTEE TO STUDY

(Ch. 761, Sec. 20, 1983 Session Laws)

- By Lieutenant Governor: 9/21/83 12/31/84
 - Dr. John L. Tart* (Co-Chairman)
 - Mr. Carroll Hemphill*
 - Mr. H. T. Taylor*
 - Mr. Gary Carter*
- By Speaker: 8/11/83 12/31/84
 - Rep. John Gillam III (Co-Chairman)
 - Rep. Edward C. Bowen
 - Rep. Daniel H. DeVane
 - Rep. Ray Fletcher

GENERAL STATUTES COMMISSION

(G. S. 164-14) (Term — two years)

- By Lieutenant Governor: 8/29/83 5/31/85
 - Senator Cecil R. Jenkins, Jr.
- By Speaker: 6/1/83 5/31/85
 - Rep. Wm. E. Clark

HAZARDOUS WASTE STUDY COMMISSION OF 1983

(Ch. 926, 1983 Session Laws) (Report due 5/1/84)

- By Lieutenant Governor: 8/3/83
 - Senator Joseph E. Thomas (Co-Chairman)
 - Senator Aaron W. Plyler
 - Senator Robert S. Swain
 - Dr. Theodore R. Rice*
 - Mr. Truman L. Koehler, Jr.*
- By Speaker: 8/24/83
 - Rep. Martin Nesbitt (Co-Chairman)
 - Rep. Wendell H. Murphy
 - Rep. Paul Pulley, Jr.
 - Mr. William E. Holman*
 - Mr. J. Patrick Price*

HEARING IMPAIRED, NORTH CAROLINA COUNCIL FOR THE

(G. S. 143B-214) (Term — two years)

- By Lieutenant Governor: 8/29/83 7/1/85
 - Senator William G. Hancock, Jr.
- By Speaker:
 - Rep. Jeanne Fenner. 8/9/83 6/30/85

*Citizen Appointee

Appointed *Expires*

HOUSING FINANCE AGENCY, BOARD OF DIRECTORS

(G. S. 122A-4) (Term — two years)

By Lieutenant Governor:

Mr. William Earl Antone*	7/22/83	6/30/85
Mr. Ernest E. Ford*		
Mr. George Hayworth*		
Mr. Mark E. Tipton*	6/24/82	

By Speaker:

Mr. Michael E. Ferguson*	7/27/83	6/30/85
Mrs. Mickey Hanula*		
Mr. A. Bruce Levin*		
Mr. William W. Wittington*		

HOUSING COMMISSION, N.C.

(G. S. 147-33.11) (Term — three years)

By Lieutenant Governor:

Mr. Joe E. Harris, Sr.*	7/22/83	6/30/86
Mr. Donnie Wayne Brewer*	7/22/83	6/30/85
Mr. Lawrence Ed Tipton*	7/22/83	6/30/86

By Speaker:

Mr. Michael E. Ferguson*	7/27/83	6/30/86
Mrs. Mickey Hanula*	7/27/83	6/30/85
Mr. Jim Moore*	7/27/83	6/30/86

HUMAN RELATIONS COUNCIL

(G. S. 143B-392) (Term — four years)

By Lieutenant Governor:	9/13/83	6/30/86
Dr. William M. Bell*		
Rev. Sadye Milton*		

By Speaker:	8/10/83	6/30/86
Rep. Annie B. Kennedy		
Rep. Mary L. Jarrell		

HUMAN TISSUE ADVISORY COUNCIL

(G. S. 130A-414) (Term — three years)

By Lieutenant Governor:

(Not appointed at time of printing)

By Speaker:	8/9/83	
Mr. W. T. Grimsley*		

INCENTIVE PAY FOR STATE EMPLOYEES, COMMITTEE FOR REVIEW OF APPLICATIONS

(G. S. 126-64) (Term — none specified)

By Lieutenant Governor:	8/6/79	7/1/84
Mr. W. R. Helms*		

By Speaker:	7/1/82	6/30/84
Mr. George T. Rogister, Jr.*		

*Citizen Appointee

Appointed *Expires*

INDIAN AFFAIRS, NC COMMISSION OF

(G. S. 143B-407) (Term — two years)

By Lieutenant Governor:	7/22/83	6/30/85
Donald W. Bullard*		
By Speaker:	7/27/83	6/30/85
Mr. Arnold Locklear*		

INSURANCE COMMISSION, PUBLIC OFFICERS AND EMPLOYEE LIABILITY

(G. S. 143B-422)

By Lieutenant Governor: (Term — four years)...	7/22/83	6/30/87
Mr. Charles R. Vance, Jr.*		
By Speaker: (Term — two years).....	7/27/83	6/30/85
Mr. Ray P. Rouse*		

INTERNSHIP COUNCIL, NORTH CAROLINA

(G. S. 143B-418) (Term — set by appointive authority)

By Lieutenant Governor:	9/24/79	
Mrs. Katherine McRacken*		
By Speaker:	8/9/83	6/30/85
Mr. George Peery*		

INTERSTATE COOPERATION, COUNCIL ON

(G. S. 143B-380(2)) (Term — two years)

By Lieutenant Governor:	8/29/83	6/30/85
Senator Harold W. Hardison		
Senator Kenneth C. Royall, Jr.		
Senator R. P. Thomas		
By Speaker:	9/14/83	6/30/85
Rep. Peggy Stamey (designee)		
Rep. Frank W. Ballance		
Rep. Ray Sparrow		
Rep. Charles Woodard		

JUVENILE LAW STUDY COMMISSION

(G. S. 7A-740) (Term — two and four years)

By Lieutenant Governor:		
Rev. Joseph C. Brown*	6/26/84	6/30/86
Mr. Charles B. Casper*	6/26/84	6/30/88
By Speaker:		
Rep. Anne C. Barnes	7/26/84	6/30/86
Rep. Charles D. Evans	7/26/84	6/30/88

**LAND CONSERVANCY CORPORATION,
BOARD OF TRUSTEES, NORTH CAROLINA**

(G. S. 113A-137) (Term — two years)

By Lieutenant Governor:	7/22/83	6/30/85
Mrs. Wanda J. Proffitt*		
Mr. Tom Ellis*		
By Speaker:		
(Not appointed at time of printing)		

*Citizen Appointee

Appointed *Expires*

**LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND,
BOARD OF COMMISSIONERS**

(G. S. 143-166(b) (5)) (Term — two years)

By Lieutenant Governor:	7/22/83	6/30/85
Mr. David T. Helberg*		
By Speaker:	7/27/83	6/30/85
Mr. Theo H. Pitt, Jr.*		

LOCAL GOVERNMENT ADVOCACY COUNCIL

(G. S. 143-506.14) (Term — two years)

By Lieutenant Governor:	4/23/84	1/15/85
Senator James D. Speed		
Senator Robert D. Warren		
By Speaker:	8/9/83	1/15/85
Rep. Charles M. Beall		
Rep. Charles D. Owens		

LOCAL GOVERNMENT COMMISSION

(G. S. 159-3) (Term — four years)

By Lieutenant Governor:	7/22/81	6/30/85
Mr. Kitchen Josey*		
By Speaker:	7/30/81	6/30/85
Mr. William G. Stamey*		

**LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT
COMMISSION, ADVISORY COMMITTEE**

(Ch. 714, 1983 Session Laws)

By Lieutenant Governor:		
(Not appointed at time of printing)		
By Speaker:	8/24/83	7/15/85
Rep. N. Jim Crawford		
Rep. William E. Clark		

**MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE
SERVICES, COMMISSION**

(G. S. 143B-148) (Term — two years)

By Lieutenant Governor:	7/22/83	6/30/85
Ms. Jeanie Renegar*		
Mr. Carlos L. Young*		
By Speaker:	7/27/83	6/30/85
Mr. Ben W. Aiken*		
Rev. J. Murphy Smith*		

*Citizen Appointee

Appointed Expires

MENTAL HEALTH STUDY COMMISSION

(Resolution 80, 1973 Session Laws, extended by Ch. 268, 1983 Session Laws)
 (Term — terminates July 1, 1985)

- By Lieutenant Governor: 9/9/83
 - Senator Lura S. Tally 6/29/84
 - Senator Ollie Harris
 - Senator Harold W. Hardison
 - Mr. John T. Henley*
 - Mr. Benjamin D. Schwartz*
- By Speaker: 8/9/83
 - Rep. Chris S. Barker, Jr.
 - Rep. C. B. Hauser
 - Rep. Gus N. Economos
 - Rep. R. D. Beard
 - Rep. Edith L. Lutz

MILK COMMISSION, NORTH CAROLINA

(G. S. 106-266.7)

- By Lieutenant Governor: (Term — four years)
 - Mr. David A. Smith* 7/22/83 6/30/86
 - Dr. Vila Rosenfeld* 7/22/83 6/30/87
- By Speaker: (Term — two years)
 - Mr. Russell Davenport* 7/27/83 6/30/85
 - Mrs. Kathryn G. Kirkpatrick* 7/10/84 6/30/86

MOTOR VEHICLE DEALERS ADVISORY BOARD, NC

(G. S. 20-305.4) (Term — three years)

- By Lieutenant Governor:
 - Mr. Frank R. Anderson, Jr.* 6/26/84 6/30/87
 - Mr. Royster Baker* 6/26/84 6/30/85
 - Mr. George Kapp* 6/26/84 6/30/86
- By Speaker:
 - Mr. Dan Allison, Jr.* 7/6/82 6/30/85
 - Rep. R. J. Childress 8/9/83 6/30/86
 - Mr. Bruce K. Murray* 7/23/84 6/30/87

NEW OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS

(Ch. 1089, 1983 Session Laws)

- By Lieutenant Governor:
 - (Not appointed at time of printing)
- By Speaker: 8/1/84 1/1/87
 - Rep. R. Don Beard
 - Rep. J. Worth Gentry
 - Rep. Joe R. Hudson
 - Rep. Charles D. Owens

*Citizen Appointee

	<i>Appointed</i>	<i>Expires</i>
PAY EQUITY ADVISORY COMMITTEE		
(Ch. 1034, 1983 Session Laws)		
By Lieutenant Governor:	6/11/84	6/1/86
Senator Wilma Woodard (Co-Chairman)		
Senator James H. Edwards		
Senator A. D. Guy		
Senator Charles W. Hips		
Senator William N. Martin		
Senator William W. Redman, Jr.		
Senator Kenneth C. Royall, Jr.		
By Speaker:	7/25/84	6/1/86
Rep. Richard Wright (Co-Chairman)		
Rep. Anne Barnes		
Rep. Louise S. Brennan		
Rep. David W. Bumgardner, Jr.		
Rep. Annie Brown Kennedy		
Rep. Martin Lancaster		
Rep. W. Paul Pulley, Jr.		
PHYSICAL FITNESS AND HEALTH, GOVERNOR'S COUNCIL ON		
(G. S. 143B-216.9) (Term — two years)		
By Lieutenant Governor:		
(Not appointed at time of printing)		
By Speaker:	8/9/83	6/30/85
Rep. Phillip O. Berry		
PHYSICAL THERAPY EXAMINERS, NORTH CAROLINA BOARD		
(G. S. 90-270.25) (Term — three years)		
By Lieutenant Governor:	1/21/82	12/31/84
Miss Gloria Sanders*		
By Speaker:	12/17/82	12/31/84
Mrs. Maria Little*		
PORTS AUTHORITY, STATE		
(G. S. 143B-452) (Term — two years)		
By Lieutenant Governor:	7/22/83	6/30/85
Mr. Clarence B. Beasley*		
Mr. Sneed High*		
By Speaker:	7/27/83	6/30/85
Mr. Lewis Morris Fetterman*		
Mr. Frank B. Holding*		

*Citizen Appointee

Appointed Expires

PRIVATE PROTECTIVE SERVICES BOARD

(See also Appointment of President Pro Tempore)

(G. S. 74C-4(b)) (Term — three years)

By Lieutenant Governor:

Mr. James Lester Rhew*	7/22/83	6/30/87
Mr. Seth Thomas Walton*	7/22/83	6/30/87

By Speaker:

Mr. Julius Rowan Cauble*	7/27/83	6/30/86
Mr. Paul Davis*	7/27/83	6/30/85
Mr. Bob R. Moye*	7/10/84	6/30/87

PROPERTY TAX COMMISSION

(G. S. 143B-223)

By Lieutenant Governor: (Term — four years)

Mr. James C. Spencer*	7/22/83	6/30/87
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By Speaker: (Term — two years)

Mr. Clarence Leatherman*	7/27/83	6/30/85
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PUBLIC EDUCATION POLICY COUNCIL

(Ch. 860, 1983 Session Laws) (Report due 12/1/84)

By Lieutenant Governor:

Mr. David T. Helberg (Designee)

(Speaker's appointments listed with President Pro Tempore)

**PUBLIC EMPLOYEE DEFERRED COMPENSATION PLAN, N.C.,
BOARD OF TRUSTEES**

(G. S. 143B-426.31) (Term — two years)

By Lieutenant Governor:

Mr. William S. Mason*

By Speaker:

Mr. Adam Barlett, Jr.*

PUBLIC TELECOMMUNICATIONS COMMISSIONERS, BOARD OF

(G. S. 143B-426.9 (4)) (Term — two years)

By Lieutenant Governor:

Mr. Louis Comer*

Miss Joanne Brannon Aldridge*

By Speaker:

Mr. Robert L. Martin*

Mr. Edwin C. Rankin*

PUBLIC TELEVISION, BOARD OF TRUSTEES UNC CENTER FOR

(G. S. 116-37.1) (Term — two years)

By Lieutenant Governor:

Mrs. Alice Wynne Gatsis*

By Speaker:

Mrs. Helen Little*

*Citizen Appointee

Appointed *Expires*

SCHOOL HEALTH ADVISORY COMMITTEE, STATE

(G.S. 115C-81(e) (6) (c) (Term — three years)

By Lieutenant Governor:

(Not appointed at time of printing)

By Speaker:	7/26/84	6/30/87
Rep. Aaron E. Fussell		

SCIENCE AND MATHEMATICS, BOARD OF TRUSTEES, NORTH CAROLINA SCHOOL OF

(G. S. 115C-223)

By Lieutenant Governor: (Term — four years)

Dr. N. Andrew Miller* 7/22/83 6/30/87

Miss Joanne Brannon Aldridge* 8/26/83 6/30/87

By Speaker: (Term — two years)

Dr. David Wyatt* 7/27/83 6/30/85

Mr. James H. Randolph III* 7/27/83 6/30/85

SCIENCE AND TECHNOLOGY, NORTH CAROLINA BOARD OF

(G. S. 143B-441) (Term — two years)

By Lieutenant Governor: 7/22/83 6/30/85

Mr. William F. Troxler*

By Speaker: 7/27/83 6/30/85

Mrs. Helen Roach*

SEAFOOD INDUSTRIAL PARK AUTHORITY, NORTH CAROLINA

(G. S. 113-315.25) (Term — two years)

By Lieutenant Governor: 7/22/83 6/30/85

Mr. Gerald Wain Gaskill*

By Speaker: 7/27/83 6/30/85

Mr. Stanley Chris Payne*

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION, N.C.

(G. S. 17E-3) (Term — two years)

By Lieutenant Governor: 9/1/83 9/1/85

Mr. Raymond W. Goodman*

By Speaker: 9/1/83 8/31/85

Mr. E. Y. Ponder*

Appointed Expires

SMALL BUSINESS FINANCE STUDY COMMISSION

(Ch. 914, 1983 Session Laws)

- By Lieutenant Governor: 9/30/83
 - Senator Dallas L. Alford, Jr. (Co-Chairman)
 - Senator Jack Childers
 - Senator Robert M. Davis Sr.
 - Senator Aaron W. Plyler
 - Senator Robert D. Warren
- By Speaker: 9/11/83
 - Rep. Martin L. Nesbitt (Co-Chairman)
 - Rep. Herman C. Gist
 - Rep. Bobby R. Etheridge
 - Rep. William E. Clark
 - Rep. R. J. Childress

SOUTHERN GROWTH POLICIES BOARD

(G. S. 143-492) (Term — not specified)

- By Lieutenant Governor: 8/29/83 6/30/85
 - Senator R. C. Soles, Jr.
- By Speaker: 8/9/83 6/30/85
 - Rep. Daniel T. Lilley

SOUTHERN STATES ENERGY BOARD

(G. S. 104D-2) (Term — not specified)

- By Lieutenant Governor: 9/6/83
 - Senator A. D. Guy
 - Senator Melvin R. Daniels, Jr. (Alternate)
- By Speaker:
 - Rep. Joe Hackney 8/29/83
 - Rep. John M. Jordan (Alternate) 9/13/83

STATE CONTRACT APPEALS, BOARD OF

(G. S. 143-135.6) (Term — two years)

- By Lieutenant Governor: 7/1/84 6/30/86
 - Mr. Bill Walker*
- By Speaker: 7/10/84 6/30/86
 - Mr. Everette Carnes*

STUDENT LOANS, NEED-BASED, N. C. BOARD OF

(G. S. 143-47.21) (Term — four years)

- By Lieutenant Governor: 9/28/82 7/1/86
 - Mr. Ralph Kimel*
 - Mrs. Barbara Jo McGarth*
 - Dr. Darrell A. Trull*
- By Speaker: 7/27/83 7/1/86
 - Mrs. Lynda Cowan*
 - Dr. James Colson*
 - Dr. James D. Reid*

*Citizen Appointee

Appointed *Expires*

TEACHERS' AND STATE EMPLOYEES'

COMPREHENSIVE MAJOR MEDICAL PLAN, BOARD OF TRUSTEES

(G. S. 135-39) (Term — two years)

By Lieutenant Governor:

Mrs. Estelle C. Lee*	7/1/84	6/30/86
Mr. H. Lee Curry*	7/22/83	6/30/85
Mr. DeWitt Sullivan*	7/22/83	6/30/85

By Speaker:

Mr. James Donald Tomberlin*	7/10/84	6/30/86
Mr. Thomas J. Hackney Jr.*	7/27/83	6/30/85
Mr. John King*	7/27/83	6/30/85

**TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM,
BOARD OF TRUSTEES**

(G. S. 135-6 (b) (4)) (Term — two years)

By Lieutenant Governor:	7/1/84	6/30/85
Mr. W. Henry Copley*		

By Speaker:	7/27/83	6/30/85
Mr. Theo H. Pitt, Jr.*		

TECHNOLOGICAL DEVELOPMENT AUTHORITY, NORTH CAROLINA

(G. S. 143B-471.1)

By Lieutenant Governor: (Term — four years) ...	8/26/83	6/30/87
Mrs. Wilda Hurst*		
Mr. Donovan Phillips*		

By Speaker: (Term — two years)	8/29/83	6/30/85
Dr. William T. Byrd*		
Dr. Aaron Hyatt*		

THOMS REHABILITATION HOSPITAL, BOARD OF TRUSTEES

(Article II, Sec 1 — By-Laws Thoms Rehab. Hospital) (Term — two years)

By Lieutenant Governor:	8/16/83	1/15/85
Senator Charles W. Hipps		
Senator Robert S. Swain		

By Speaker:	8/9/83	1/15/85
Rep. N. J. Crawford		
Rep. Ray C. Fletcher		

TRANSPORTATION, BOARD OF

(G. S. 143B-350 (d)) (Term — two years)

By Lieutenant Governor:	7/23/83	6/30/85
Mr. Frank McCray*		

By Speaker:	7/27/83	6/30/85
Mr. Robert Z. Falls*		

*Citizen Appointee

Appointed Expires

TRANSPORTATION, JOINT SPECIAL COMMITTEE TO STUDY THE DEPARTMENT OF

(Res. 49, 1983 Session Laws)

- By Lieutenant Governor: 9/14/83
 - Senator Ollie Harris (Co-Chairman)
 - Senator Melvin R. Daniels, Jr.
 - Senator Conrad R. Duncan
 - Senator W. Craig Lawing
 - Senator David R. Parnell
 - Senator Robert D. Warren
- By Speaker: 8/22/83 1/1/85
 - Rep. Allen C. Barbee (Co-Chairman)
 - Rep. Gerald L. Anderson
 - Rep. James W. Crawford, Jr.
 - Rep. Jeff H. Enloe, Jr.
 - Rep. Joe R. Hudson
 - Rep. Dennis A. Wicker

TRIAD PARK COMMISSION

(Ch. 1054, 1979 Session Laws) (Terminates 9/1/85)

- By Lieutenant Governor: 7/16/79 9/1/85
 - Mr. Tom C. Ellis*
- By Speaker: 8/22/79 9/1/85
 - Rep. Mary Seymour

UTILITY REVIEW COMMITTEE

(Resolution 100, 1975 Session Laws and Res. 78, 1979 S. L.)

(Term — five years)

- By Lieutenant Governor: 3/18/81 6/30/85
 - Senator W. Craig Lawing
 - Senator Joseph E. Johnson (Co-Chairman)
 - Senator J. J. Harrington
- By Speaker: 9/25/79 6/30/85
 - Rep. George W. Miller, Jr.
 - Rep. J. P. Huskins (Co-Chairman)
 - Rep. Mary Seymour 9/13/83 7/1/85

VAGABOND SCHOOL OF DRAMA, INC. AND FLATROCK PLAYHOUSE, BOARD OF TRUSTEES

(School By-Laws/Art II, Sec. 1) (Term — two years)

- By Lieutenant Governor:
 - Senator Robert S. Swain 1/21/83
 - Senator Charles W. Higgs 1/1/83 12/31/84
- By Speaker: 1/20/83
 - Rep. Marie Watters Colton
 - Rep. Narvel Jim Crawford

*Citizen Appointee

Appointed *Expires*

VETERINARY MEDICAL BOARD, NC

(G.S. 90-182) (Term — five years)

By Lieutenant Governor:

Dr. Ben D. Harrington* 9/25/81 7/1/86

By Speaker:

Dr. Joseph Robert Nesbitt* 7/14/82 6/30/87

VOCATIONAL AND BASIC SKILLS PROGRAM/BD. OF EDUCATION

(Chapter 340, 1983 Session Laws) (Term — not specified)

By Lieutenant Governor: 5/27/83

Mr. Samuel S. Smith*

Dr. Barbara Tapscott*

Dr. E. V. Wilkins*

By Speaker: 6/17/83

Mrs. Shirley J. Babcock*

Mr. Earl Hooper*

Ms. Carol A. Lincoln*

WASTE MANAGEMENT BOARD, GOVERNOR'S

(G. S. 143B-216.12) (Term — two years)

By Lieutenant Governor:

Mr. George Lenward Foxwell* 7/22/83 6/30/85

By Speaker:

Mr. William E. Holman* 7/27/83 6/30/85

**WATER POLLUTION PROBLEMS AND WATER RESOURCES NEEDS —
NEUSE RIVER BASIN WATER QUALITY MANAGEMENT PLAN**

(Ch. 924, 1983 Session Laws)

By Lieutenant Governor: 9/28/83

Senator Joseph E. Thomas (Co-Chairman)

Senator Henson P. Barnes

Senator Harold W. Hardison

Mr. Donald N. Cox*

Mr. Jamie H. King, Jr.*

By Speaker: 8/29/83 5/1/86

Rep. Martin Lancaster (Co-Chairman)

Rep. George Brannan

Rep. Ray Sparrow

Mr. Jud Ammons*

Mr. William Sparrow*

WILDLIFE RESOURCES COMMISSION

(G. S. 143-240) (Term — two years)

By Lieutenant Governor: 7/22/83 6/30/85

Dr. Richard W. Adams*

By Speaker: 7/27/83 6/30/85

Mr. Donald Allen Thompson*

*Citizen Appointee

APPOINTMENTS

SHARED BY THE SENATE PRESIDENT PRO TEMPORE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

The following appointments to Boards, Commissions and Committees were made during 1983 and 1984 by the Honorable W. Craig Lawing, President Pro Tempore of the Senate and by the Honorable Liston B. Ramsey, Speaker of the House of Representatives.

Chapters 886 and 911 of the Regular Session, Chapters 1 and 2 of the Extra Session and Chapters 1034, 1092, and 1116 of the Second Session, 1983 Session Laws were enacted in compliance with G. S. 120-121 which outlines the procedure for legislative appointments.

Appointed Expires

CHEROKEE/EASTERN BAND, N.C. ADVISORY COUNCIL ON

(Ch. 1085, 1983 Session Laws)

By President Pro Tempore:	8/30/84	6/30/86
Senator R. P. Thomas		
By Speaker:	7/25/84	6/30/86
Rep. Robert C. Hunter		

GOVERNMENTAL OPERATIONS, JOINT LEGISLATIVE COMMISSION ON

(G. S. 120-74) (Term — two years)

By President Pro Tempore:	3/8/83	1/15/85
Senator W. Craig Lawing (Pro Tempore)		
Senator Marshall A. Rauch		
Senator Robert S. Swain		
Senator Harold Hardison		
Senator Kenneth C. Royall, Jr.		
(Majority Leader)		
Senator Robert B. Jordan III		
By Speaker:	8/5/83	1/15/85
Rep. Allen C. Barbee (Pro Tempore)		
Rep. Sam Beam		
Rep. Bertha Holt		
Rep. Bob Etheridge		
Rep. Martin L. Nesbitt, Jr.		
Rep. William T. Watkins		

*Citizen Appointee

*Appointed Expires***LEGISLATIVE RESEARCH COMMISSION**

(G. S. 120-30.11) (Term — expires upon convening of next biennial session)

By President Pro Tempore: 5/20/83

Senator William N. Martin
 Senator Helen Rhyne Marvin
 Senator William W. Staton
 Senator Joseph E. Thomas
 Senator Russell Walker

By Speaker: 8/5/83

Rep. John T. Church
 Rep. Bruce Ethridge
 Rep. Chris S. Barker, Jr.
 Rep. John J. Hunt
 Rep. Margaret Tennille

COMMITTEES — of Legislative Research Commission**Aging, Problems of the**

HJR 533, Res. 86 (1977 Session Laws)

HJR 68, Res. 62 (1979 Session Laws)

HJR 1292, Res. 61 (1981 Session Laws)

HJR 44 and SJR 16, see Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/14/83

Senator Rachel Gray (Co-Chairman)
 Senator Ollie Harris
 Senator Russell Walker
 Senator Marvin Ward
 Dr. Monroe T. Gilmour*

By Speaker: 10/4/83

Rep. Gus Economos (Co-Chairman)
 Rep. Sidney A. Locks
 Rep. D. R. Mauney, Jr.
 Rep. Henry M. Tyson
 Rep. Barney P. Woodard

Air Ambulance System — see page 239**Animal Shelters and Pounds, Disposition of Animals by**

HJR 1309, see Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/24/83

Senator Vernon E. White (Co-Chairman)
 Senator Wanda H. Hunt
 Senator Wilma C. Woodard
 Dr. James R. Pick*
 Dr. William Pryor*

By Speaker: 10/4/83

Rep. Margaret Stamey (Co-Chairman)
 Rep. Austin M. Allran
 Rep. David W. Bumgardner, Jr.
 Rep. Tom Matthews
 Rep. Richard Wright

*Citizen Appointee

Appointed Expires

COMMITTEES — of Legislative Research Commission

Banks, Savings and Loans, Credit Unions,

Regulation and Taxation of

SJR 381, see Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/3/83

- Senator James H. Edwards (Co-Chairman)
- Senator Dallas L. Alford
- Senator Harold W. Hardison
- Senator Joseph E. Johnson
- Senator Kenneth C. Royall, Jr.

By Speaker: 10/4/83

- Rep. Edward N. Warren (Co-Chairman)
- Rep. Harold J. Brubaker
- Rep. Charles D. Evans
- Rep. John C. Hasty
- Rep. Wendell H. Murphy

Biotechnology Development

H 1122, Ch. 899 (1983 Session Laws)

HJR 1282, SJR 620, see Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/5/83

- Senator William G. Hancock, Jr. (Co-Chairman)
- Senator Robert M. Davis, Sr.
- Senator Charles W. Hipps
- Senator Robert B. Jordan III
- Senator Kenneth C. Royall, Jr.
- Dr. Wendell Allen*
- Dr. Roy E. Morse, Sr.*
- Mr. William Veeder*

By Speaker: 10/4/83

- Rep. Bobby R. Etheridge (Co-Chairman)
- Rep. Sam Beam
- Rep. Marie Colton
- Rep. John J. Hunt
- Rep. J. P. Huskins
- Mr. Charlie Carpenter*
- Dr. Frank Hart*
- Mr. James E. Gapinski* 11/21/83

*Citizen Appointee

Appointed Expires

COMMITTEES — of Legislative Research Commission

Cafeteria-Style Benefits Program/Teachers and State Employees

H 738, Ch. 1112 (1983 Session Laws) (Report due 2/15/85)

By President Pro Tempore: 7/24/84

- Senator Lura Tally (Co-Chairman)
- Senator Melvin R. Daniels, Jr.
- Senator J. J. Harrington
- Senator James D. Speed
- Senator Marvin Ward

By Speaker: 7/25/84

- Rep. Margaret Hayden (Co-Chairman)
- Rep. Charles Beall
- Rep. Ray C. Fletcher
- Rep. Margaret Stamey
- Rep. William T. Watkins

Credit Insurance and Interest Rate Study

H 738, Ch. 1112 (1983 Session Laws) (Report due 2/15/85)

By President Pro Tempore: 7/24/84

- Senator James H. Edwards (Co-Chairman)
- Senator Cecil R. Jenkins, Jr.
- Senator Donald R. Kincaid
- Senator Robert S. Swain

By Speaker: 7/25/84

- Rep. Harry E. Payne, Jr. (Co-Chairman)
- Rep. George M. Holmes
- Rep. Robert L. Slaughter
- Rep. Margaret Tennille

Computer Literacy, Teaching of in Public Schools

HJR 191, see Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/3/83

- Senator Henson P. Barnes (Co-Chairman)
- Senator Robert M. Davis, Sr.
- Senator Charles W. Higgs
- Senator William N. Martin
- Senator Kenneth C. Royall, Jr.

By Speaker: 10/4/83

- Rep. Bertha M. Holt (Co-Chairman)
- Rep. Phillip O. Berry
- Rep. Narvel Jim Crawford
- Rep. Jeanne Fenner
- Rep. H. Martin Lancaster

*Citizen Appointee

Appointed Expires

COMMITTEES — of Legislative Research Commission

Day Care

HJR 223, see Res. 61 (1981 Session Laws)

HJR 594, see Ch. 905 (1983 Session Laws)

By President Pro Tempore: 7/5/84

Senator Lura Tally (Co-Chairman)

Senator J. J. Harrington

Mrs. Agnes Love*

Mrs. John A. Tate, Jr.*

Senator Marvin Ward

By Speaker: 10/4/83

Rep. Marie W. Colton (Co-Chairman)

Rep. Louise S. Brennan

Rep. Walter B. Jones, Jr.

Rep. Margaret P. Keesee-Forrester

Rep. Tom C. Womble

District Attorneys Standards and Register of Deeds, Office of

SB 496/HB 1204, see Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/4/83

Senator Charles W. Hipps (Co-Chairman)

Senator Julian R. Allsbrook

Senator Harold W. Hardison

Senator R. C. Soles, Jr.

Senator Robert S. Swain

By Speaker: 10/4/83

Rep. Wendell H. Murphy (Co-Chairman) 11/21/83

Rep. Phillip O. Berry

Rep. James E. Lambeth, Jr.

Rep. Charles D. Owens

Mr. Conrad Burrell*

Executive Branch, Boards, Commissions, and Councils

HJR 1321, see Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/14/83

Senator Jack Childers (Co-Chairman)

Senator Richard Barnes

Senator Wanda H. Hunt

Senator Joseph E. Johnson

Senator William N. Martin

By Speaker: 10/4/83

Rep. Sam Beam (Co-Chairman)

Rep. J. Worth Gentry

Rep. Herman C. Gist

Rep. John J. Hunt

Rep. Robert C. Hunter

*Citizen Appointee

*Appointed Expires***COMMITTEES — of Legislative Research Commission****Hazardous Substances Identification and Labeling**

HB 1339, see Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/14/83

Senator Ollie Harris (Co-Chairman)

Senator Richard Barnes

Senator J. J. Harrington

Senator George W. Marion, Jr.

Senator Russell Walker

By Speaker: 10/4/83

Rep. Harry E. Payne, Jr. (Co-Chairman)

Rep. David H. Diamont

Rep. Joe Hackney

Rep. Josephus L. Mavretic

Rep. Murray P. Pool

Hazardous Waste Strict Liability — see page 239**Higher Education Regulation**

HJR 988, Res. 33 (1983 Session Laws)

By President Pro Tempore: 10/4/83

Senator Lura Tally (Co-Chairman)

Senator T. Cass Ballenger

Senator Vernon E. White

Chancellor E. K. Fretwell, Jr.*

Mr. Carl Settle* 12/1/83

By Speaker: 10/4/83

Rep. Betty Dorton Thomas (Co-Chairman)

Rep. Anne Barnes

Rep. Gordon H. Greenwood

Rep. Charles Woodard

Dr. H. F. Robinson*

Inspection of Motor Vehicles

HB 1142, Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/17/83

Senator David R. Parnell (Co-Chairman)

Senator Henson P. Barnes

Senator George W. Marion, Jr.

Senator Robert D. Warren

Senator Julius A. Wright

By Speaker: 10/12/83

Rep. Aaron E. Fussell (Co-Chairman)

Rep. Louise S. Brennan

Rep. David W. Bumgardner, Jr.

Rep. Jeff H. Enloe, Jr.

Rep. Edith L. Lutz

*Citizen Appointee

Appointed Expires

COMMITTEES — of Legislative Research Commission**Insurance Laws and Regulation of Insurance Industry****Readable Insurance Policies**

HB 63, HB 1243, and HB 1069, see Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/3/83

Senator Joseph E. Johnson (Co-Chairman)

Senator Julian H. Allsbrook

Senator J. J. Harrington

Senator Cecil R. Jenkins, Jr.

Senator Donald R. Kincaid

By Speaker: 10/4/83

Rep. Foyle Hightower, Jr. (Co-Chairman)

Rep. Frank Ballance, Jr.

Rep. Charles Beall

Rep. John C. Hasty

Rep. Hugh A. Lee

Rep. Mary Seymour

Legislative Communications Confidentiality

HB 1461, see Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/14/83

Senator William W. Staton (Co-Chairman)

Senator Rachel Gray

Senator Anthony E. Rand

Senator Marshall A. Rauch

Senator Robert S. Swain

By Speaker: 10/5/83

Rep. Narvel Jim Crawford

Rep. James W. Crawford, Jr.

Rep. J. P. Huskins

Rep. Annie Brown Kennedy

Rep. George W. Miller, Jr.

Motorboat Titles and Liability Insurance

HB 1142, Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/17/83

Senator Melvin R. Daniels, Jr. (Co-Chairman)

Senator Dennis J. Winner

Mr. Charles Fullwood*

Mr. J. Scott Harrell, Sr.*

Mr. Charles A. Paxton*

By Speaker: 10/14/83

Rep. Mary Seymour (Co-Chairman)

Rep. Frank Ballance, Jr.

Rep. James W. Crawford, Jr.

Rep. James E. Lambeth, Jr.

Rep. Margaret Stamey

*Citizen Appointee

*Appointed Expires***COMMITTEES — of Legislative Research Commission****Municipalities, Procedure for Incorporating**

SJR 445, see Ch. 905 (1983 Session Laws)

- By President Pro Tempore: 10/3/83
 Senator Aaron W. Plyler (Co-Chairman)
 Senator James H. Edwards
 Senator A. D. Guy
 Senator Donald R. Kincaid
 Mr. Edmund Aycok*
- By Speaker: 10/5/83
 Rep. Gordon H. Greenwood (Co-Chairman)
 Rep. R. D. Beard
 Rep. Ray C. Fletcher
 Rep. Robert C. Hunter
 Rep. Mary L. Jarrell

Peat Mining and Land Clearing

HJR 220, see Ch. 905 (1983 Session Laws)

- By President Pro Tempore: 10/21/83
 Senator Joseph E. Thomas (Co-Chairman)
 Senator J. J. Harrington
 Senator R. P. Thomas
 Senator Vernon E. White
 Mr. Hobart G. Truesdell*
- By Speaker: 10/4/83
 Rep. Robert McAlister (Co-Chairman)
 Rep. Edward C. Bowen
 Rep. Daniel H. DeVane
 Rep. Bruce Ethridge
 Rep. Charles Evans

Public Health Facility Laws

SJR 656, see Ch. 905 (1983 Session Laws)

- By President Pro Tempore: 10/4/83
 Senator Anthony E. Rand (Co-Chairman)
 Senator William G. Hancock, Jr.
 Senator Harold W. Hardison
 Senator William W. Redman, Jr.
 Senator James D. Speed
- By Speaker: 10/4/83
 Rep. Marvin D. Musselwhite, Jr.
 (Co-Chairman)
 Rep. William T. Grimsley
 Rep. W. Paul Pulley, Jr.
 Rep. Tom C. Womble
 Rep. Charles D. Woodard

*Citizen Appointee

Appointed Expires

COMMITTEES — of Legislative Research Commission

Railroad Property, State's Interest

HJR 1292, Res. 61 (1981 Session Laws)

HB 1142, Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/4/83

Senator Dennis J. Winner (Co-Chairman)

Senator Elton Edwards

Senator A. D. Guy

Senator Robert B. Jordan III

Senator David R. Parnell

Mr. Thomas G. Lynch*

By Speaker: 10/4/83

Rep. John J. Hunt (Co-Chairman)

Rep. David Bumgardner, Jr.

Rep. John T. Church

Rep. Daniel T. Lilley

Rep. Ray Sparrow

Mr. Vernon Rochelle*

Rental Housing, State

HB 1142, Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/14/83

Senator Dallas L. Alford, Jr. (Co-Chairman)

Senator James H. Edwards

Senator Ollie Harris

Mr. Ben Aiken*

Mr. T. R. Lawing*

By Speaker: 10/4/83

Rep. George W. Brannan (Co-Chairman)

Rep. C. Melvin Creecy

Rep. J. Worth Gentry

Rep. Mary Seymour

Rep. Edward N. Warren

Revenue Laws

SJR 94, Res. 83 (1979 Session Laws), HJR 1292, Res. 61 (1981 Session Laws)

HJR 16, see Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/3/83

Senator Marshall A. Rauch (Co-Chairman)

Senator Jack Childers

Senator Kenneth R. Harris

Senator William W. Staton

Mr. Robert Merritt*

By Speaker: 10/4/83

Rep. Daniel T. Lilley (Co-Chairman)

Rep. T. Clyde Auman

Rep. Sidney A. Locks

Rep. Josephus L. Mavretic

Rep. Murray P. Pool

*Citizen Appointee

Appointed Expires

COMMITTEES — of Legislative Research Commission

State Parks

H 738, Ch. 1112 (1983 Session Laws) (Report due 2/15/85)

- By President Pro Tempore:..... 7/24/84
 - Senator Henson P. Barnes (Co-Chairman)
 - Senator George W. Marion, Jr.
 - Senator Dennis Jay Winner
- By Speaker:..... 7/25/84
 - Rep. N. James Crawford (Co-Chairman)
 - Rep. James W. Crawford, Jr.
 - Rep. Mary P. Seymour

Statutory Liens and Farm Products Security Interest

SB 680, see Ch. 905 (1983 Session Laws)

- By President Pro Tempore:..... 10/4/83
 - Senator Cecil R. Jenkins, Jr. (Co-Chairman)
 - Senator Henson P. Barnes
 - Senator Elton Edwards
 - Senator David R. Parnell
 - Senator Aaron W. Plyler
- By Speaker:..... 10/4/83
 - Rep. Margaret Tennille (Co-Chairman)
 - Rep. Ray C. Fletcher
 - Rep. Wendell H. Murphy
 - Rep. Joseph B. Roberts III
 - Rep. J. Paul Tyndall

User Fees at State-Owned Facilities

HB 1142, Ch. 905 (1983 Session Laws)

- By President Pro Tempore:..... 10/17/83
 - Senator James D. Speed (Co-Chairman)
 - Senator Helen Rhyne Marvin
 - Senator Aaron W. Plyler
 - Senator Lura Tally
 - Secretary Sara W. Hodgkins*
- By Speaker:..... 10/4/83
 - Rep. Gerald L. Anderson (Co-Chairman)
 - Rep. C. Robert Brawley
 - Rep. Howard B. Chapin
 - Rep. Annie Brown Kennedy
 - Rep. James E. Lambeth, Jr.

*Department of Cultural Resources

Appointed Expires

COMMITTEES — of Legislative Research Commission

Water Pollution Control

HJR 232, see Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/24/83

- Senator Russell Walker (Co-Chairman)
- Senator Julian R. Allsbrook
- Senator Wanda H. Hunt
- Senator Joseph E. Thomas
- Mr. Thomas W. Bivens*

By Speaker: 10/4/83

- Rep. Charles D. Evans (Co-Chairman)
- Rep. Joe R. Hudson
- Rep. Daniel T. Lilley
- Rep. Joseph B. Roberts III
- Rep. Betty Dorton Thomas

Water Quality — Haw River and Jordan Reservoir

HJR 1257, see Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/24/83

- Senator Russell Walker (Co-Chairman)
- Senator Julian R. Allsbrook
- Senator Wanda H. Hunt
- Senator Joseph E. Thomas
- Mr. Thomas W. Bivens*

By Speaker: 10/4/83

- Rep. Joe Hackney (Co-Chairman)
- Rep. T. Clyde Auman
- Rep. Aaron E. Fussell
- Rep. William T. Grimsley
- Rep. Bertha M. Holt

Water Resources — North Carolina and Virginia

HJR 1404, see Ch. 905 (1983 Session Laws)

By President Pro Tempore: 10/24/83

- Senator Russell Walker (Co-Chairman)
- Senator Julian R. Allsbrook
- Senator Wanda H. Hunt
- Senator Joseph E. Thomas
- Mr. Thomas W. Bivens*

By Speaker: 10/4/83

- Rep. Henry M. Tyson (Co-Chairman)
- Rep. John T. Church
- Rep. H. Parks Helms
- Rep. Vernon G. James
- Rep. Robie L. Nash

*Citizen Appointee

Appointed Expires

COMMITTEES — of Legislative Research Commission

Women's Needs, Study of the Economic, Social, and Legal Problems

HJR 1292, Res. 61 (1981 Session Laws)

SJR 329 and HJR 904, see Ch. 905 (1983 Session Laws)

- By President Pro Tempore: 10/3/83
 - Senator Helen Rhyne Marvin (Co-Chairman)
 - Senator Rachel Gray
 - Senator William G. Hancock, Jr.
 - Senator Lura Tally
 - Ms. Alice Wynne Gatsis* 12/28/83
- By Speaker: 10/5/83
 - Rep. Ruth E. Easterling (Co-Chairman)
 - Rep. Mary L. Jarrell 8/10/84
 - Rep. H. Parks Helms
 - Rep. Walter B. Jones, Jr.
 - Mrs. Nancy Jones*

Worthless Checks, Problems of

SJR 661, see Ch. 905 (1983 Session Laws)

- By President Pro Tempore: 10/5/83
 - Senator R. P. Thomas (Co-Chairman)
 - Senator Richard W. Barnes
 - Senator Dennis J. Winner
 - Mr. Steve Buck*
 - Mr. Arlis Vernon, Jr.*
- By Speaker: 10/12/83
 - Rep. Robie L. Nash (Co-Chairman)
 - Rep. Luther R. Jerals
 - Rep. Tom Matthews
 - Rep. D. R. Mauney, Jr.
 - Rep. John W. Varner



LEGISLATIVE SERVICES COMMISSION

(G. S. 120-31) (Term — coincides with Legislative term)

- By President Pro Tempore: 5/16/83
 - Senator Ollie Harris
 - Senator David R. Parnell
 - Senator Aaron W. Plyler
 - Senator James D. Speed
 - Senator Kenneth C. Royall, Jr. 5/20/83
 - Senator Wilma C. Woodard
- By Speaker: 5/16/83
 - Rep. Allen C. Barbee
 - Rep. Dan Blue, Jr.
 - Rep. Marie Colton
 - Rep. Charles Evans
 - Rep. Foyle Hightower, Jr.
 - Rep. William T. Watkins

*Citizen Appointee

Appointed Expires

MANUFACTURED HOUSING BOARD

(G. S. 143.143-10) Ch. 952, 1981 Session Laws

Ch. 717-Sec. 109 and Ch. 903, 1983 Session Laws

By President Pro Tempore: 7/21/83 9/30/86

(Term — three years)

Ms. Dorothy G. Campbell*

Ms. Becky G. Dobbins*

By Speaker: 7/27/83 9/30/85

(Term — two years)

Mr. Robert Kirby*

Mr. Gareth Jones*

MEDICAL COST CONTAINMENT

(Ch. 875, 1983 Session Laws) (Report due 4/1/85)

By President Pro Tempore: 10/5/83

Senator W. Craig Lawing (Co-Chairman)

Dr. Lawrence M. Cutchins*

Dr. Sandra Greene*

Senator Anthony Rand

Mr. Travis Tomlinson, Sr.*

Mr. Jack Willis*

By Speaker: 9/9/83

Rep. James B. Black (Co-Chairman)

Mr. Carson Bain*

Mrs. Jimmie Butts*

Mr. William Eller*

Mrs. Helen Goldstein*

Rep. Barney Paul Woodard

PRIVATE PROTECTIVE SERVICES BOARD

(G. S. 74C-4(b)) (Term — three years)

Ch. 1091, 1983 Session Laws, Second Session

By President Pro Tempore: 7/1/84 6/30/86

Mr. James B. Stegall*

(Speaker's appointments listed with Lieutenant Governor's)

PROPERTY TAX SYSTEM IN N.C., COMPREHENSIVE STUDY

HB 1050, Ch. 838 (1983 Session Laws) (Report due 2/1/85)

By President Pro Tempore: 9/16/83

Senator Jack Childers

Senator Melvin R. Daniels, Jr.

Senator A. D. Guy

Senator J. J. Harrington

Senator Cecil R. Jenkins, Jr.

Senator Helen Rhyne Marvin

Senator David R. Parnell

Senator James D. Speed

*Citizen Appointee

Appointed Expires

PROPERTY TAX SYSTEM IN N.C. (continued)

- By Speaker: 8/31/83
 - Rep. Gerald Anderson
 - Rep. Charles M. Beall
 - Rep. J. Worth Gentry
 - Rep. John C. Hasty
 - Rep. Mary L. Jarrell
 - Rep. Robert L. McAlister
 - Rep. Josephus L. Mavretic
 - Rep. Ed N. Warren

**PROPERTY TAX SYSTEM IN N.C., COMPREHENSIVE STUDY
ADVISORY SUB-COMMITTEE:**

- By President Pro Tempore:
 - Mr. Jesse Alphin* 9/19/83
 - Mr. R. G. Young, Jr.* 9/23/83
 - Mr. Horace Wells* 10/3/83
- By Speaker:
 - Mr. Wayne Hooper* 9/8/83
 - Mr. Elmer Jenkins* 9/8/83
 - Mr. Larry J. Powell* 9/19/83

PUBLIC EDUCATION POLICY COUNCIL

HB 1307, Ch. 860 (1983 Session Laws) (Report due 12/1/84)

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APPOINTMENTS TO CONFERENCE COMMITTEES**

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Criminal Justice	A. W. Turner, Jr., Staff Attorney
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Environmental Quality and Natural Resources	James B. Blackburn III, Staff Attorney
Federal Preemption	Gerry Cohen, Director of Legislative Drafting
Fiscal Affairs and Government Operations	George R. Hall, Acting Legislative Services Officer Terry D. Sullivan, Director of General Research
Human Resources and Urban Affairs	James Johnson, Senior Fiscal Analyst
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Pensions Senator Cecil R. Jenkins	Rep. Joe Mavretic
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Air Ambulance System

G. S. 120-30.17(1)

	<i>Appointed</i>	<i>Expires</i>
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(not appointed at time of printing)		
By Speaker:	8/23/84	
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Mr. Eric B. Munson*		
Rep. Wendell H. Murphy		
Rep. Daniel H. DeVane		
Rep. Charles D. Owens		

Hazardous Wastes Strict Liability

HB 738, Ch. 1112 (1983 Session Laws)

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Senator Charles Hips		
Senator W. Craig Lawing		
Senator Russell Walker		
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By Speaker:	8/22/84	
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INDEX

RATIFIED BILLS — SESSION LAWS

Chapter	Bill No.	Page	Chapter	Bill No.	Page
930	S 704.....	12	978	H 1532.....	95
931	S 709.....	12	979	H 1559.....	95
932	H 1582.....	24	980	H 1575.....	95
933	S 712.....	24	981	H 1576.....	95
934	S 719.....	24	982	H 1584.....	95
935	H 1493.....	30	983	H 1590.....	95
936	H 1494.....	35	984	H 1591.....	95
937	H 1523.....	35	985	H 1595.....	95
938	H 1520.....	55	986	H 1610.....	95
939	H 1480.....	54	987	H 1619.....	95
940	H 1492.....	54	988	H 1621.....	95
941	H 1498.....	54	989	H 1624.....	95
942	H 1501.....	55	990	H 1626.....	95
943	H 1516.....	71	991	H 1525.....	104
944	S 738.....	71	992	S 470.....	103
945	S 752.....	71	993	S 732.....	103
946	S 756.....	71	994	H 1398.....	103
947	S 757.....	71	995	H 1517.....	103
948	S 762.....	71	996	S 735.....	103
949	H 907.....	71	997	S 739.....	103
950	H 1536.....	71	998	S 740.....	103
951	H 1541.....	79	999	S 741.....	103
952	H 1543.....	79	1000	S 742.....	103
953	H 1552.....	79	1001	S 744.....	103
954	H 1553.....	79	1002	S 774.....	103
955	H 1555.....	79	1003	H 1483.....	117
956	H 1556.....	79	1004	H 1485.....	117
957	H 1558.....	79	1005	H 1488.....	117
958	H 1560.....	79	1006	H 1535.....	117
959	H 1561.....	79	1007	H 1547.....	117
960	H 1562.....	79	1008	H 1554.....	117
961	H 1563.....	79	1009	H 1588.....	117
962	H 1602.....	79	1010	H 1594.....	117
963	H 1604.....	79	1011	H 1596.....	117
964	H 1605.....	79	1012	H 1623.....	117
965	H 1608.....	80	1013	H 1676.....	117
966	H 1609.....	80	1014	H 1633.....	117
967	H 1616.....	80	1015	S 760.....	116
968	H 1617.....	80	1016	S 725.....	116
969	H 541.....	83	1017	S 759.....	116
970	S 543.....	83	1018	H 1099.....	117
971	H 1496.....	83	1019	S 14.....	116
972	H 385.....	95	1020	S 817.....	116
973	S 734.....	94	1021	S 848.....	116
974	S 766.....	94	1022	H 370.....	117
975	H 1500.....	95	1023	H 88.....	126
976	H 1528.....	95	1024	H 104.....	127
977	H 1529.....	95	1025	H 650.....	127

Chapter	Bill No.	Page	Chapter	Bill No.	Page
1026	H 1526.....	127	1072	S 21.....	156
1027	H 1583.....	127	1073	S 436.....	156
1028	H 1615.....	135	1074	S 555.....	156
1029	H 1625.....	135	1075	S 731.....	156
1030	H 1632.....	135	1076	S 745.....	156
1031	H 1681.....	135	1077	S 763.....	156
1032	H 158.....	137	1078	S 877.....	156
1033	H 1768.....	137	1079	S 895.....	156
1034	H 80.....	137	1080	H 1283.....	161
1035	H 1697.....	137	1081	H 1451.....	161
1036	H 1701.....	137	1082	H 1658.....	161
1037	H 1739.....	137	1083	H 1778.....	161
1038	S 780.....	136	1084	H 1795.....	161
1039	H 474.....	137	1085	H 1797.....	161
1040	H 578.....	137	1086	S 478.....	161
1041	H 687.....	137	1087	S 807.....	161
1042	H 1261.....	142	1088	S 845.....	161
1043	H 1365.....	142	1089	H 110.....	161
1044	H 1544.....	142	1090	H 1793.....	161
1045	S 815.....	142	1091	S 842.....	161
1046	S 847.....	142	1092	S 894.....	161
1047	S 514.....	143	1093	H 1788.....	167
1048	H 1369.....	144	1094	H 1789.....	167
1049	H 1736.....	145	1095	H 1791.....	167
1050	H 1779.....	145	1096	H 1794.....	167
1051	H 1165.....	144	1097	H 1513.....	168
1052	H 1511.....	144	1098	S 430.....	168
1053	H 1518.....	144	1099	H 1796.....	168
1054	H 1557.....	144	1100	S 790.....	168
1055	H 1572.....	144	1101	H 1660.....	175
1056	H 1587.....	144	1102	S 900.....	172
1057	H 1597.....	144	1103	H 1567.....	175
1058	H 1630.....	144	1104	H 665.....	175
1059	H 1657.....	144	1105	H 666.....	175
1060	H 1682.....	145	1106	H 1413.....	175
1061	H 1771.....	145	1107	H 1754.....	178
1062	H 1772.....	145	1108	S 634.....	178
1063	H 1777.....	145	1109	H 1551.....	178
1064	S 783.....	143	1110	S 724.....	178
1065	H 1482.....	144	1111	S 901.....	178
1066	H 1709.....	145	1112	H 738.....	182
1067	S 831.....	144	1113	S 706.....	186
1068	S 862.....	144	1114	S 187.....	186
1069	S 880.....	144	1115	H 1689.....	187
1070	H 1491.....	144	1116	H 1376.....	187
1071	H 9.....	156			

RATIFIED RESOLUTIONS

Res.	Res. No.	Page	Res.	Res. No.	Page
56	HJR 1509.	24	82	SJR 830.	94
57	HJR 1503.	35	83	HJR 1670.	104
58	HJR 1548.	35	84	HJR 1717.	104
59	SJR 713.	37	85	HJR 1504.	113
60	SJR 772.	37	86	HJR 1510.	113
61	HJR 1655.	55	87	SJR 855.	116
62	HJR 1524.	55	88	SJR 884.	117
63	SJR 803.	54	89	HJR 1573.	127
64	SJR 702.	54	90	HJR 1574.	127
65	SJR 782.	54	91	HJR 1663.	127
66	SJR 778.	54	92	HJR 1683.	127
67	HJR 1486.	71	93	HJR 1694.	127
68	HJR 1495.	71	94	HJR 1737.	127
69	HJR 1499.	72	95	HJR 1738.	127
70	HJR 1531.	79	96	HJR 1776.	137
71	SJR 705.	79	97	SJR 787.	143
72	SJR 809.	79	98	HJR 1775.	145
73	HJR 1713.	80	99	SJR 730.	143
74	SJR 811.	83	100	SJR 886.	144
75	SJR 829.	83	101	SJR 893.	144
76	SJR 777.	94	102	HJR 1792.	167
77	SJR 825.	94	103	SJR 899.	168
78	HJR 1704.	95	104	SJR 898.	172
79	HJR 1723.	96	105	HJR 1801.	175
80	HJR 1752.	96	106	SJR 897.	186
81	HJR 1753.	96			

NUMERICAL INDEX

SENATE

The identical bill number, when applicable, and the final action on the measure are noted following the title. When ratified, the Chapter Number of the Session Laws is reflected.

BILLS/RESOLUTIONS

Page Nos.

S 14	Eliminate Mandatory Retirement (H 48) (Ch. 1019).....	55, 81, 111, 114, 116.
S 21	Income Tax Deduction for Certain Parents (H 45) (Ch. 1072).....	118, 126, 129, 154, 156.
S 156	Incr Federal Retirement Pay Exclusion (H ppi).....	118, 122, 129.
S 187	Various Local Projects (H 377) (Ch. 1114).....	177, 181, 184, 186.
S 383	Catawba Civic Center Authority (H ppi)	
S 430	Early Parole with Community Service (Ch. 1098).....	135, 141, 152, 159, 164, 166, 168.
S 436	Occupational Therapy Licensing (Ch. 1073).....	145, 156.
S 462	Banks File No Personal Vouchers (H unf rpt)	
S 470	Corneal Tissue Removal (Ch. 992).....	75, 89, 102, 103.
S 478	Firemen's Retirement Refund (Ch. 1086).....	145, 157, 161.
S 503	Setting Execution Date (reref Spec W & M Com).....	72, 75.
S 514	Child Support Garnishment (Ch. 1047).....	131, 143.
S 543	Architects/Engineers Regulated (Ch. 970).....	31, 55, 76, 83.
S 555	Geologists Licensing Act (Ch. 1074).....	145, 156.
S 572	Oregon Inlet Channel Opening Urged (H 1211) (H ppi)	
S 629	No Fee for CAP Plates (H 1203 H ppi) (H Transp Com).....	80, 89.
S 631	Constitutional Criminal Punishments (H 389) (H Const Com)	
S 634	Foreclosure Hearings Continued (Ch. 1108).....	174, 178.
S 681	Bail Bond Forfeitures (H ppi)	
S 702	Memorializing Senator Julian R. Allsbrook (Res. 64).....	7, 38, 54.
S 703	Approp — 1984 — 85 Fiscal Year (Appr Com/see H 1496—Ch. 971).....	7.
S 704	Elizabeth City Election (Ch. 930).....	7, 12.
S 705	Enabling/Validating Sanitary District — see S 848 (Res. 71).....	7, 17, 23, 79.
S 706	Interstate Banking Permitted (Ch. 1113).....	7, 55, 76, 180, 182, 186.
S 707	Funds to Restore Gettysburg Statue (Appr Com/see H 1496—Ch. 971).....	7.
S 708	Burke Forestry Headquarters Fund (Appr Com/see S 187—Ch. 1114).....	7.
S 709	Western Rockingham Schools (Ch. 931).....	7, 12.
S 710	Emergency Training at Gaston College (H 1490 H ppi) (Appr Com).....	10.
S 711	Salisbury Railroad Station Funds (Appr Com/see S 187—Ch. 1114)....	10.
S 712	Rowan Ambulance Liens (Ch. 933).....	10, 24.
S 713	Enabling/DOT — Right of Way — see S 817 (H 1489) (Res. 59).....	11, 15, 37.
S 714	Priv. Res. Child-Care Grant (H 1505 H ppi) (Appr Com/see H 1376—Ch. 1116).....	11.
S 715	Eastern School for Deaf Funds (Appr Com/see S 187—Ch. 1114).....	12.
S 716	NCSU Fletcher Center Funds (Appr Com).....	12.

S 717	Great Smoky Mtns National Park (H 1477) (adopted)	12, 190.
S 718	N C Apple Festival Funds (Appr Com/see S 187-Ch. 1114)	13.
S 719	Kings Mountain School Elections (Ch. 934)	13, 24.
S 720	Cleveland County ADAP Funds (Appr Com)	13.
S 721	Enabling/Sales Price of Motor Vehicle — see S 798 (Rules Com)	13.
S 722	Murray's Mill Appropriation (Appr Com/see S 187-Ch. 1114)	13.
S 723	Crop Liens Filed with Secretary of State (reref Appr Com/see H 1376-Ch. 1116)	13, 18, 29.
S 724	Chemical Dependency Treatment (Ch. 1110)	13, 165, 178.
S 725	Gastonia Firemen's Supp Fund (Ch. 1016)	13, 38, 63, 116.
S 726	Sales Tax on Used Vehicle — 1 (H 1482-Ch. 1065) (Fin Com)	14.
S 727	National Sports Festival (H 1519) (adopted)	14, 191.
S 728	Administration Estate Costs Reduced (H Fin Com)	15, 37, 68.
S 729	Crop Liens Funds (Appr Com/see H 1376-Ch. 1116)	15.
S 730	Minority Appts Proportionate to Pop. (Res. 99)	15, 48, 68, 136, 143.
S 731	Cystic Fibrosis Tax Exemption (Ch. 1075)	16, 38, 68, 156.
S 732	Orrum Charter Revision (Ch. 993)	16, 23, 27, 93, 101, 103.
S 733	General Fund Bond Sinking Fund (reref Appr Com)	17, 38.
S 734	Hazardous Waste Treatment Commission (H 1607 H ppi) (Ch. 973)	17, 36, 53, 63, 94.
S 735	Lumberton Uptown Development (Ch. 996)	18, 27, 32, 103.
S 736	Smokies Heritage Festival Funds (Appr Com/see S 187-Ch. 1114)	18.
S 737	No Sales Tax on Currency, Bullion (H 1534 H Fin Com) (H failed 2nd rdg)	18, 37, 68.
S 738	Lincoln County Cultural Lease (Ch. 944)	18, 71.
S 739	Jacksonville Annexation/Onslow Co. (Ch. 997)	19, 28, 32, 103.
S 740	Intermediate Care Facilities Freeze Extended (H 1612 H ppi) (Ch. 998)	19, 48, 68, 103.
S 741	Home Health CON Freeze (H 1613 H ppi) (Ch. 999)	19, 48, 68, 103.
S 742	CON Appeals to Ct. of Appeals (H 1586 H ppi) (Ch. 1000)	19, 48, 69, 103.
S 743	Approp Health Systems Agencies (H 1614 H ppi) (Appr Com)	19.
S 744	Nursing Home Freeze Lifted (H 1585 H ppi) (Ch. 1001)	19, 48, 69, 103.
S 745	Domiciliary Rights Change (H 1644 H ppi) (Ch. 1076)	19, 89, 101, 154, 156.
S 746	Increase Homestead Exemption (H 1647 H ppi) (reref Appr Com)	19, 80.
S 747	Senior Citizens' Centers Funds (H 1645 H ppi) (Appr Com)	19.
S 748	Adult Day Care Funds (H 1646 H ppi) (Appr Com)	20.
S 749	Funds for Schiele Museum (H 1580 H ppi) (Appr Com/see S 187-Ch. 1114)	20.
S 750	5 Yr. Phase-Out of Intangibles Tax (failed to concur)	20, 37, 69, 72, 76, 176.
S 751	Dix Adolescent Treatment Funds (Appr Com/see S 187-Ch. 1114)	20.
S 752	Gastonia Airport Authority (Ch. 945)	20, 71.
S 753	No Intang. Tax/4-Yr. Reimburse (Fin Com)	20.
S 754	Fayetteville Municipal Market (Appr Com/see H 1376-Ch. 1116 & S 187-Ch. 1114)	20.
S 755	Education Matters/Committee of the Whole (H 1568 H reref Rules) (Spec W & M Com)	21.

S 756	Henderson Road Hunting Regulated (H 1577 H ppi) (Ch. 946).....	21, 71.
S 757	Goldsboro Property Disposition/Wayne (Ch. 947)	21, 71.
S 758	Public Employee Suppl Ret Plan (H 1500-Ch. 975) (H ppi)	21, 38, 69.
S 759	Franklinville Charter Revision (Ch. 1017).....	21, 28, 32, 116.
S 760	Liberty Economic Development (Ch. 1015).....	21, 28, 33, 116.
S 761	Franklin Co. Property Sales (Spec W & M Com).....	21.
S 762	Durham City Schools Pay Day (H 1601 H ppi) (Ch. 948).....	21, 71.
S 763	Dist. Bd. of Health Membership (Ch. 1077).....	22, 118, 126, 156.
S 764	Education Appropriations (H 1569 H ppi) (Appr Com).....	24.
S 765	School Reform Act of 1984 (H 1567-Ch. 1103) (Spec W & M Com)	24.
S 766	Wesley Webster Highway (Ch. 974).....	22, 94.
S 767	Jones House Funds (Appr Com/see S 187-Ch 1114).....	25.
S 768	Laurel Springs Livestock Funds (Appr Com/see S 187-Ch. 1114)	25.
S 769	Tri-County Complex MH Funds (Appr Com).....	25.
S 770	"Regional Institution" Change (H 1672 H ppi) (Appr Com).....	25.
S 771	Gaston Art and History Museum Funds (H 1637 H ppi) (Appr Com/see S 187-Ch. 1114)	25.
S 772	Enabling/Wesley D. Webster Highway — see S 766 (Res. 60)	25, 37.
S 773	Western Rockingham School Funds (Appr Com/see S 187-Ch 1114)	25.
S 774	C.O.N. Technical Amendments (H 1673 H ppi) (Ch. 1002).....	25, 48, 69, 103.
S 775	C.O.N. — Medical Equip. Limit (Rules Com)	25.
S 776	Retirement Credit for Temp. Work (reref Appr Com)	26, 106.
S 777	Enabling/Cemetery Service Districts — see S 877 (Res. 76).....	26, 48, 69, 94.
S 778	Enabling/Spec ID for 12 & Older by DMV — see S 832 (Res. 66).....	26, 54.
S 779	Hazelwood Water Works (Appr Com/see S 187-Ch. 1114).....	26.
S 780	Legislative Confidentiality Communications Amend (Ch. 1038)	30, 49, 69, 136.
S 781	Burke Courthouse Funds (Appr Com/see S 187-Ch. 1114).....	30.
S 782	Enabling/Theft of Cable Services — see S 845 (Res. 65).....	26, 54.
S 783	Ambulatory Surgical Facility (Ch. 1064).....	30, 55, 76, 136, 142, 143.
S 784	Temperance, McNeill House Funds (Appr Com/see S 187-Ch. 1114).....	30.
S 785	Enabling/Holiday to Observe Easter (Rules Com)	31.
S 786	Public Hospital Sales, Lease (H 1709-Ch. 1066) (reref St Gov Com)	31, 35.
S 787	Drop Tobacco Excise Tax (Res. 97)	34, 143.
S 788	Approp—Cannon Mem YMCA Center (App Com/see S 187-Ch. 1114).....	35.
S 789	Late Fees Consumer Loans (Fin Com)	49.
S 790	Clarify Child Support (Ch. 1100).....	49, 72, 90, 166, 168.
S 791	Approp—Little Theater/Gastonia (H 1641 H ppi) (Appr Com/see S 187-Ch. 1114)	49.
S 792	Approp/Regional Family Violence Center (Appr Com)	49.
S 793	Madison—Mayodan Rec Center Funds (Appr Com/see S 187-Ch. 1114).....	50.
S 794	James Polk Historic Site Funds (H 1696 H ppi) (Appr Com/see S 187-Ch. 1114)	50.

S 795	Alzheimers Disease Support Funds (Appr Com/see H 1376-Ch. 1116)	50.
S 796	Autistic Group Home Purchase (Appr Com/see S 187-Ch. 1114).....	50.
S 797	Frank Holder Dance Funds (Appr Com/see S 187-Ch. 1114).....	50.
S 798	Sales Price of Used Car — 2 (Fin Com)	50.
S 799	Waynesborough Park Funds (Appr Com/see S 187-Ch. 1114).....	50.
S 800	Approp/Fletcher Center of NCSU — 2 (Appr Com).....	50.
S 801	Approp/Various NC Armories (Appr Com/see S 187-Ch. 1114)	50.
S 802	Approp/Old Cabarrus Courthouse (Appr Com/see H 1376-Ch. 1116)	50.
S 803	Enabling/Discipline of Chiropractors — see S 831 (Res. 63).....	51, 54.
S 804	Agricultural Marketing Funds (Appr Com).....	51.
S 805	Ararat River Flood Control (Appr Com).....	56.
S 806	Museum of the Albemarle Exhibits (Appr Com/see S 187-Ch. 1114).....	56.
S 807	Interstate Savings & Loans (Ch. 1087)	56, 72, 90, 161.
S 808	Police/Comm-Relation Training (Appr Com/see S 187-Ch. 1114).....	56.
S 809	Enabling/Drop Tobacco Excise Tax — see S 787 (Res. 72).....	51, 79.
S 810	Belle Chère Festival Funds (Appr Com/see S 187-Ch. 1114).....	56.
S 811	Enable/State Indian Housing Authority — see S 862 (Res. 74).....	56, 83.
S 812	Funds for WINGS Program (Appr Com/see H 1376-Ch. 1116).....	57.
S 813	Aycock Brown Welcome Center (Appr Com/see S 187-Ch. 1114).....	57.
S 814	Henderson Dispute Center Funds (Appr Com/see S 187-Ch. 1114).....	57.
S 815	Local Gov't Service Purchase (Ch. 1045).....	57, 106, 124, 142.
S 816	Poultry Disease Diagnosis Funds (Appr Com).....	57.
S 817	State Highway Improvements Include City Streets (Ch. 1020)	57, 72, 76, 116.
S 818	Funds for Autistic Adults (Appr Com/see H 80-Ch. 1034).....	57.
S 819	Autistic Adult Group Home (Appr Com/see H 1376-Ch. 1116).....	57.
S 820	Radar Act Funds (H 1715 H ppi) (Appr Com/see H 1376-Ch. 1116).....	57.
S 821	Life Care Center CON — 1 (Rules Com)	58.
S 822	Indian Economic Tribal Training Funds (Appr Com/see H 1376-Ch. 1116)	58.
S 823	Poultry Research Facility Funds (Appr Com/see H 1376-Ch. 1116)	58.
S 824	Student Legislature Funds (Appr Com/see H 1376-Ch. 1116).....	58.
S 825	Support/Social Security Disability Reform (Res. 77)	73, 94.
S 826	Part-Time Retirement Credit Purchases (H 1632-Ch. 1030) (Pen & Ret Com)	73.
S 827	Natural Heritage Program Funds (H 1565 H ppi) (Appr Com/see H 1376-Ch. 1116).....	73.
S 828	Enable/Superintendent of Public Instruction (H Rules Com).....	58.
S 829	Enable/Expiration Date of Life Care Centers — see S 847 (Res. 75).....	58, 83.
S 830	Enable/Reregistration of License Plates — see S 880 (Res. 82)	73, 94.
S 831	Chiropractor Discipline Grounds (Ch. 1067)	73, 144.
S 832	Special ID's for 12-Year-Olds — 2 (Appr Com/see H 1772-Ch. 1062, H 1376-Ch. 1116).....	59.
S 833	One Step Further Dispute Center Funds (Appr Com/see S 187-Ch. 1114).....	74.

S 834	Crime and Delinquency Council Funds (Appr Com/see S 187-Ch. 1114).....	74.
S 835	William Penn Foundation Funds (Appr Com/see S 187-Ch. 1114)	74.
S 836	Gate City Jr. Tennis Academy Funds (Appr Com/see S 187-Ch. 1114).....	74.
S 837	Reinstate Merit Pay Increase (Appr Com/see H 80-Ch. 1034)	74.
S 838	Gethsemane-Rainbow Funds (Appr Com/see S 187-Ch. 1114).....	74.
S 839	Jonas Ridge Fire and Rescue (Appr Com/see S 187-Ch. 1114).....	83.
S 840	Randolph Forest Headquarters Funds (Appr Com/see S 187-Ch. 1114).....	84..
S 841	Randolph Prison Chaplaincy Funds (Appr Com/see S 187-Ch. 1114).....	84.
S 842	President Pro Tem Appointment (Ch. 1091).....	84, 107, 124, 161.
S 843	Mt. Airy Restoration Funds (Appr Com/see S 187-Ch. 1114).....	84.
S 844	First Flight Shrine (Appr Com).....	84.
S 845	Cable TV Theft of Services (H 1757 H reref J III Com) (Ch. 1088)	84, 96, 110, 119, 126, 128, 132, 161.
S 846	Constitution Bicentennial Comm (Appr Com/see H 1376-Ch. 1116)....	74.
S 847	Life Care Centers CON — 2 (Ch. 1046)	84, 107, 124, 142.
S 848	Sanitary District Validated (Ch. 1021).....	74, 116.
S 849	Approp-High Point Autistic Home (H 1773 H ppi) (Appr Com).....	84.
S 850	Eastern Office Cultural Resources Funds (Appr Com)	84.
S 851	Cedar Island Boat Ramp Funds (Appr Com/see S 187-Ch. 1114).....	84.
S 852	UNC Capital Projects (H 1771-Ch. 1061) (H ppi).....	85, 89, 101, 109.
S 853	Nantahala Gorge Study Funds (Appr Com)	97.
S 854	UNC Asheville Funds (Appr Com/see H 1376-Ch. 1116)	85.
S 855	Enable/Cumberland Co. Industrial Sites — see S 895 (Res. 87) ...	85, 116.
S 856	Wilkes Sanitary District Funds (Appr Com/see S 187-Ch. 1114).....	85.
S 857	Council on Holocaust Funds (Appr Com/see S 187-Ch. 1114)	86.
S 858	Fletcher Agricultural Center Funds — 3 (H 1699 H ppi) (Appr Com/see H 1376-Ch. 1116).....	86.
S 859	Enabling/Terms/Governor and Lt Governor (Rules Com).....	86, 97.
S 860	Macon Dispute Center Funds (Appr Com/see S 187-Ch. 1114).....	98.
S 861	Cherokee Dispute Center Funds (Appr Com/see S 187-Ch. 1114)	98.
S 862	Housing Projects Non-Indians Allowed (Ch. 1068).....	86, 96, 110, 144.
S 863	Haywood Dispute Center Funds (Appr Com/see S 187-Ch. 1114)	98.
S 864	Henderson Dispute Center Funds (Appr Com/see S 187-Ch. 1114)....	98.
S 865	Jackson Dispute Center Funds (Appr Com/see S 187-Ch. 1114).....	98.
S 866	Swain Dispute Center Funds (Appr Com/see S 187-Ch. 1114)	98.
S 867	Polk Dispute Center Funds (Appr Com/see S 187-Ch. 1114).....	98.
S 868	Clay Dispute Center Funds (Appr Com/see S 187-Ch. 1114).....	98.
S 869	Transylvania Dispute Center Funds (Appr Com/see S 187-Ch. 1114).....	99.
S 870	Graham Dispute Center Funds (Appr Com/see S 187-Ch. 1114).....	99.
S 871	Lincoln Arts Council Funds (Appr Com/see S 187-Ch. 1114)	99.
S 872	Bates House Rape Crisis Center Funds (Appr Com/see S 187-Ch. 1114).....	99.
S 873	Haywood Educational Enrichment Funds (Appr Com/see S 187-Ch. 1114).....	99.
S 874	Wildlife Hatchery Funds (Appr Com/see S 187-Ch. 1114)	99.

S 875 Haywood Repertory Theater Funds
(Appr Com/see S 187-Ch 1114) 99.

S 876 Waynesville Armory Renovation Funds
(Appr Com/see S 187-Ch. 1114)..... 100.

S 877 Cemetery Districts Allowed (Ch. 1078) 100, 109, 123, 156.

S 878 Local LEO Subsidy (Appr Com) 100.

S 879 Agriculture Study Funds (Appr Com) 104.

S 880 Vehicle Registration Change (Ch. 1069) 100, 107, 124, 144.

S 881 Granite Falls Center Funds (Appr Com/see S 187-Ch. 1114) 104.

S 882 Shellfish Waters/Temporary Openings
(Appr Com/see H 1376-Ch. 1116) 104.

S 883 Watauga Senior Center Funds
(Appr Com/see S 187-Ch. 1114)..... 104.

S 884 Enabling/District Board of Health — see S 763 (Res. 88)..... 104, 117.

S 885 Teacher Summer Employment Study (Appr Com) 119.

S 886 Proclaim Adult Literacy Awareness Month (Res. 100) 119, 144.

S 887 Hearing Impaired Outreach Program (Appr Com/H 1376-Ch. 1116) .. 105.

S 888 Campbell Folk School Funds (Appr Com/see S 187-Ch. 1114)..... 119.

S 889 Enabling/Straight Ticket Voting (Filed Status) 105, 119.

S 890 Enabling/Council Eastern Band of Cherokee (Filed Status)..... 105, 120.

S 891 McGrady Fire Dept Funds (Appr Com/see H 1376-Ch. 1116) 135.

S 892 Designating Oak Ridge Military Academy
(Conf Com rpt adopted) 137, 142, 152, 157, 175, 179, 181, 182.

S 893 Enabling/Oak Ridge Military Academy — see S 892
(Res. 101)..... 128, 144.

S 894 Senate President Appointments — 2 (Ch. 1092) 137, 161.

S 895 Cumberland Industrial Park (Ch. 1079)..... 120, 156.

S 896 Enabling/Two-Term Limit Legislative Leaders (Rules Com)..... 161.

S 897 Adjournment Sine Die
(Res. 106)..... 162, 174, 175, 176, 183, 186, 187.

S 898 Enabling/Repeal Chapter 954 — see S 901 (Res. 104) 162, 172.

S 899 Enabling/Correct Error in Local Act — see S 900 (Res. 103) 162, 168.

S 900 Correct Error in Local Act/Town of Liberty (Ch. 1102)..... 169, 175.

S 901 Repeal Chapter 954, Session Laws of 1983 (Ch. 1111)..... 173, 178.

S 902 Designating Oak Ridge Military Academy (adopted) 183, 192.



NUMERICAL INDEX

HOUSE OF REPRESENTATIVES

The identical bill number, when applicable, and the final action on the measure are noted following the title. When ratified, the Chapter Number of the Session Laws is reflected.

BILLS/RESOLUTIONS

Page Nos.

H 9	Sales Tax on Medical Equipment (Ch. 1071)	118, 130, 156.
H 80	Operations and Capital Improvements/1984-85 (Ch. 1034)	115, 137.
H 88	Gift Exclusion Increased (Ch. 1023)	86, 106, 124, 126.
H 89	Income in Respect of Decedent (reref Appr Com)	81.
H 104	Spouses Share Gift Tax Exclusion (Ch. 1024)	86, 106, 124, 127.
H 110	Review of New Licensing Bills (Ch. 1089) ...	133, 147, 154, 157, 158, 161.
H 158	Inheritance Tax Credit Increased (Ch. 1032)	86, 117, 130, 137.
H 370	Hospice Licensing Act (Ch. 1022)	106, 111, 117.
H 385	Probation/Procure Proper License (Ch. 972)	15, 17, 36, 53, 95.
H 474	Attorney's Fees/Civil Action (Ch. 1039)	72, 90, 101, 111, 124, 137.
H 541	Conservation Tillage Equipment Tax Credit (Ch. 969)	37, 69, 76, 83.
H 578	Wake ABC Board Composition (Ch. 1040)	113, 137.
H 650	Fuel Tax Refund/Garbage Truck (Ch. 1025)	86, 106, 124, 127.
H 665	Corporation Solar Tax Credit (Ch. 1104)	53, 80, 165, 175.
H 666	Individual Solar Tax Credit (Ch. 1105)	53, 80, 165, 175.
H 687	Allow Purchase of Service of Judicial Clerks (Ch. 1041)	114, 134, 137.
H 721	Worker's Comp Filing Extended (tabled)	132, 134, 140.
H 738	Various Studies — LRC (Ch. 1112)	55, 70, 89, 101, 168, 169, 182.
H 790	Enforcement During Appeal/Alimony (reref Spec W & M)	17.
H 907	1985 Convening Date (Ch. 949)	49, 69, 71.
H 933	Alteration of Marriage License (Conf rpt adopted)	177.
H 1099	Tax Credit for Gleaned Crops (Ch. 1018)	38, 63, 76, 117.
H 1165	Alexander/Catawba Memorial Hospital (Ch. 1051)	127, 129, 138, 144.
H 1261	Worker's Comp/10 or More Farm Workers (Ch. 1042)	114, 124, 142.
H 1283	Water System Dedication Regulations (Ch. 1080)	107, 125, 127, 152, 154, 161, 163.
H 1332	DWI School/County of Residence (Conf Com appointed)	97, 110, 153.
H 1365	Utilities Comm/Powers and Duties (Ch. 1043)	114, 125, 142.
H 1369	Mooresville School Dist Enlarged (Iredell) (Ch. 1048)	102, 107, 111, 144.
H 1376	Omnibus Statewide Appropriations (Ch. 1116)	178, 183, 184, 186.
H 1383	Inactive Hazardous Dump Clean-Up (reref Appr Com) ...	55, 77, 102, 110.
H 1398	Applicant for Receiver Give Bond (Ch. 994)	35, 53, 59, 103.
H 1405	Rule Against Perpetuities Reform (tabled)	8, 15.
H 1413	Retirement Benefits Restriction (Double Dipping) (Ch. 1106)	61, 134, 140, 153, 171, 173, 175.
H 1451	Cape Fear Pilotage Commission (Ch. 1081)	156, 157, 161.
H 1480	Cherokee County Industrial Park Exempt (Ch. 939)	26, 35, 52, 54.
H 1482	Sales Tax on Used Vehicle — 1 (S 726 Fin Com) (Ch. 1065)	31, 80, 90, 101, 144.

H 1483	Gasohol Refund Technical Change (Ch. 1003).....	22, 96, 110, 117.
H 1484	No Sales Tax on Shopper's Guide (reref Appr Com)	26, 81.
H 1485	Revenue Laws Technical Changes (Ch. 1004)	31, 96, 110, 117.
H 1486	Unitary Method of Taxation (Res. 67)	31, 49, 69, 71.
H 1488	Collection of Nonresident's Tax (Ch. 1005).....	26, 96, 110, 117.
H 1491	Speaker's Appointments (Ch. 1070).....	114, 120, 140, 144.
H 1492	Statesville Museum Lease (Ch. 940).....	27, 36, 52, 54.
H 1493	Cherryville Absentee Voting (Ch. 935)	27, 30.
H 1494	Incorporate Walkertown (Ch. 936)	22, 28, 33, 35.
H 1495	Enabling/Statewide Screening Metabolic Disorders — see H 1753 (S 703 Appr Com) (Res. 68)	31, 49, 70, 71.
H 1496	Appropriation 1984-85 Fiscal Year (S 703 Appr Com) (Ch. 971)	61, 77, 83.
H 1498	Washington Land to Chamber of Commerce (Ch. 941)	27, 36, 52, 54.
H 1499	Enabling/Contracts for Airport Construction and Repair — see H 1768 (Res. 69)	31, 49, 70, 72.
H 1500	Supplemental Income Ret Plan (S 758 H ppi) (Ch. 975)	87, 95.
H 1501	Pitt Land Lease (Ch. 942).....	27, 36, 52, 55.
H 1503	Enabling/Reciprocal Acquisitions Savings and Loan Assn — see S 807 (Res. 57)	31, 35.
H 1504	Enabling/Limiting State Aid to Airports — see H 1789 (Res. 85).....	32, 96, 110, 113.
H 1509	Enabling/Technical Changes in Safe Roads Act — see H 1660 (Res. 56).....	22, 24.
H 1510	Enabling/Federal Assistance for N C Airports — see H 1788 (Res. 86).....	32, 96, 110, 113.
H 1511	Dare Co Street Assessments (Ch. 1052)	35, 122, 125, 138, 144.
H 1513	Federal Refund of State Utilities Tax (Ch. 1097)	59, 106, 123, 140, 151, 168.
H 1515	Lenoir Agri-Indus Commission (reref Loc Gov Com).....	27, 36, 53, 109.
H 1516	Micro Annexation (Ch. 943)	27, 36, 52, 63, 71.
H 1517	Executive Branch Board Abolishments (Ch. 995)	32, 49, 70, 103.
H 1518	Extend Board Sunset Provisions (Ch. 1053).....	87, 120, 140, 144.
H 1520	Siler City Alcohol Sales Provisions (Ch. 938).....	27, 36, 53, 55.
H 1523	Harrisburg Fire District (Ch. 937)	22, 29, 33, 35.
H 1524	Public Utilities Confirmation (Res. 62).....	51, 55, 64.
H 1525	Dare County/Duck Area District (Ch. 991).....	81, 90, 100, 104.
H 1526	Dune Protection Kitty Hawk (Ch. 1026)	105, 113, 123, 127.
H 1528	Polk Commissioners Expanded (Ch. 976)	81, 90, 95.
H 1529	Rutherford Littering Enforcement (Ch. 977)	59, 72, 91, 95.
H 1531	Enabling/Act to Regulate Raffles — see H 1754 (Res. 70).....	32, 49, 70, 79.
H 1532	Orange One-Stop Voting Location (Ch. 978).....	59, 72, 91, 95.
H 1535	Higher Education Regulation (Ch. 1006).....	87, 96, 110, 117.
H 1536	Lumberton Force Account (Ch. 950)	59, 71.
H 1541	Washington Assessment Reduction (Ch. 951).....	59, 79.
H 1543	Wake School Board Offices Election (Ch. 952).....	62, 79.
H 1544	Local Gov't Retirement Increase (Ch. 1044).....	88, 107, 125, 142.
H 1547	Fair Bluff Town Elections (Ch. 1007).....	87, 96, 109, 117.
H 1548	Honoring Sam D. Bundy (Res. 58)	27, 33, 35.
H 1551	Courts Appropriations (Ch. 1109)	131, 132, 133, 178.
H 1552	Municipality Annexation/Mecklenburg (Ch. 953)	59, 79.

H 1553	Charlotte Uptown Development Projects (Ch. 954)	60, 79.
H 1554	Charlotte City Council Voting (Ch. 1008)	87, 96, 109, 117.
H 1555	Charlotte Zoning Petition (Ch. 955)	60, 79.
H 1556	Charlotte Convention Center (Ch. 956)	60, 79.
H 1557	Charlotte Firemen's Retirement (Ch. 1054)	52, 120, 139, 144.
H 1558	Moore County-ABC Board (Ch. 957)	60, 79.
H 1559	Jones Road Hunting Referendum (Ch. 979)	60, 72, 91, 95.
H 1560	Lincoln Property Tax Discount (Ch. 958)	60, 79.
H 1561	Duplin Force Account (Ch. 959)	60, 79.
H 1562	Jones Land Conveyance (Ch. 960)	60, 79.
H 1563	Chapel Hill Development (Ch. 961)	62, 79.
H 1567	School Reform Act of 1984 (S 765 Sp W&M Com) (Ch. 1103)	87, 114, 124, 159, 164, 171, 175.
H 1572	Cherokee Room Occupancy Tax (Ch. 1055)	87, 106, 122, 138, 144.
H 1573	Enabling/DOT/Water Line Relocations — see H 1793 (Res. 89)	51, 120, 127.
H 1574	Enabling/Mineral Rights — See H 1794 (Res. 90)	52, 121, 127.
H 1575	Craven Room Occupancy Tax (Ch. 980)	62, 77, 91, 95.
H 1576	Four Oaks Annexation (Ch. 981)	62, 77, 91, 95.
H 1581	Enabling/Raffle Laws (Rules Com)	52.
H 1582	Person Commissioners' Primary (Ch. 932)	22, 24.
H 1583	Oxford Zoning (Ch. 1027)	105, 113, 123, 127.
H 1584	Oxford Street Assessments (Ch. 982)	62, 77, 91, 95.
H 1587	Maint of Health Education Facilities Sales (Ch. 1056)	105, 128, 141, 144.
H 1588	Lumberton Vacancies (Ch. 1009)	87, 97, 109, 117.
H 1590	Cumberland Room Occupancy Tax (Ch. 983)	62, 78, 91, 95.
H 1591	Weldon School Elections (Ch. 984)	81, 92, 95.
H 1594	Calabash ABC Profits (Ch. 1010)	87, 97, 109, 117.
H 1595	Long Beach Room Occupancy Tax (Ch. 985)	62, 78, 92, 95.
H 1596	Trapping Regulated — Brunswick County (Ch. 1011)	87, 97, 109, 117.
H 1597	Ocean Isle Sewage Assessments (Ch. 1057)	87, 97, 108, 119, 130, 139, 144.
H 1602	Lincoln County Weapon Permits (Ch. 962)	62, 79.
H 1603	Clean Detergent Act (unf rpt)	82, 180.
H 1604	Kannapolis School Pay Day (Ch. 963)	62, 79.
H 1605	Charlotte Development (Ch. 964)	60, 79.
H 1608	Alleghany Development (Ch. 965)	60, 80.
H 1609	Huntersville Zoning (Ch. 966)	61, 80.
H 1610	Walstonburg Property Sales (Ch. 986)	61, 73, 92, 95.
H 1615	Lumberton Room Occupancy Tax (Ch. 1028)	87, 97, 108, 122, 135.
H 1616	Unlawful Water Hook-up (Dare) (Ch. 967)	61, 80.
H 1617	Pawnbrokers in Dare County (Ch. 968)	61, 80.
H 1619	New Hanover Room Tax Distribution (Ch. 987)	82, 92, 95.
H 1621	Guilford Room Occupancy Tax (Ch. 988)	63, 78, 92, 95.
H 1623	Broadway Property Tax Discount (Ch. 1012)	87, 97, 109, 117.
H 1624	Edenton Annexation (Ch. 989)	61, 78, 92, 95.
H 1625	Incorporate Town of Shallotte Point (Ch. 1029)	88, 97, 108, 122, 135.
H 1626	Unlicensed Shampooing Allowed (Ch. 990)	61, 73, 93, 95.
H 1630	Hospital Conflict of Interest Law (Ch. 1058)	105, 129, 141, 144.
H 1632	Part-Time Retire Credit Purchases (Ch. 1030)	88, 106, 126, 135.

H 1633	Pollution Control Amendments (Ch. 1014)	88, 97, 111, 117.
H 1652	Public Radio Sales Tax Refund (Fin Com)	146.
H 1654	Depts Study Right-To-Know — 2 (reref Appr Com)	75, 138, 152.
H 1655	Enabling/Statutes to Conform with Rules of Evidence — see H 1739 (Res. 61).....	52, 55.
H 1657	Boating Safety Study (Ch. 1059)	88, 121, 141, 144.
H 1658	Water Safety Local Committees (Ch. 1082)	88, 157, 161.
H 1660	Tech Changes/Safe Roads Act (Ch. 1101)	120, 121, 128, 141, 175.
H 1663	Enabling/Amending Weight Limits (Res. 91).....	61, 121, 127.
H 1670	Enabling/Political Com to Conduct Raffles — see H 1798 (Res. 83).....	75, 89, 102, 104.
H 1676	Advertise Tax Lien Only Once (Ch. 1013)	75, 82, 93, 97, 111, 117.
H 1681	Merge Judicial Office Retirement (Ch. 1031)	88, 107, 126, 135.
H 1682	Clarify Nuclear Materials Tax Exempt (Ch. 1060)	93, 118, 130, 139, 145.
H 1683	Enabling/NC Straight-Ticket Voting — see H 1796 (Res. 92).....	61, 121, 127.
H 1689	Roanoke Voyages Commission (Ch. 1115).....	184, 187.
H 1694	Enabling/Public Sewer System — see H 1795 (Res. 93)	75, 121, 127.
H 1697	Exempt Joint Tenants Inheritance Tax (Ch. 1035).....	108, 118, 130, 137.
H 1701	Child Support Payroll Deduction (Ch. 1036).....	107, 118, 130, 137.
H 1704	Enabling/Increase Medical Fees by NC — see H 1777 (Res. 78).....	75, 89, 93, 95.
H 1707	NCAE/NCSBA Retirement Options (Pen & Ret Com).....	146.
H 1709	Public Hospital Sales Lease (S 786 reref St Gov) (Ch. 1066)	107, 113, 126, 131, 141, 145.
H 1713	Enabling/Three Administrative Bills — see H 1775/1778 (Res. 73).....	75, 80.
H 1717	Enabling/Modify Nursing Home Certificates — see S 744 (Res. 84).....	75, 89, 102, 104.
H 1723	Enabling/Codify Certain Crimes — see H 1779 (Res. 79).....	93, 96.
H 1736	Life Insurance Death Benefit (Ch. 1049).....	114, 134, 145.
H 1737	Enabling/Eastern Band of the Cherokee — see H 1797 (Res 94)	88, 121, 127.
H 1738	Enabling/Criminal History Information — see H 1780 (Res. 95).....	88, 121, 127.
H 1739	Conform to Evidence Rules (Ch. 1037)	88, 119, 131, 137.
H 1752	Enabling/Exempt Salesmen Time Share Act — see H 1790 (Res. 80).....	93, 96.
H 1753	Continue Screening/Neonatal Metabolic (Res. 81).....	93, 96.
H 1754	Raffle Law Revision (Ch. 1107)	102, 107, 121, 141, 151, 156, 157, 166, 167, 169, 173, 174, 176, 178.
H 1768	Airports/Letting of Contracts (Ch. 1033).....	105, 113, 126, 137.
H 1771	UNC Capital Projects (S 852 H ppi) (Ch. 1061)	108, 123, 139, 145.
H 1772	Bonds and Assessments (Ch. 1062).....	108, 125, 139, 145.
H 1775	NC Federal Property Agency (Res. 98)	132, 134, 145.
H 1776	Enabling/Safe Driver Insurance Plan — see H 1799 (Res. 96).....	114, 118, 131, 137.
H 1777	Medical License Fees Raised (Ch. 1063)	106, 118, 131, 140, 145.
H 1778	Fish Confiscation (Ch. 1083).....	146, 158, 161.
H 1779	Codify Certain Crimes and Defenses (Ch. 1050)	132, 135, 145.
H 1784	Recodify APA (unf rpt)	162, 180, 181.

H 1787	State Paid Holidays Approval (Failed 2nd rdg).....	146.
H 1788	Purchase of Navigational Aids (Ch. 1093).....	146, 163, 167.
H 1789	Financial Aid to Airports (Ch. 1094)	133, 138, 152, 163, 167.
H 1791	Eighth District Primary (Ch. 1095).....	146, 163, 167.
H 1792	Enabling/Honoring Ralph Campbell, Sr — see H 1801 (Res. 102).....	163, 166, 167.
H 1793	Water Lines in Highways (Ch. 1090).....	146, 159, 161.
H 1794	Notice to Extinguish Mineral Rights (Ch. 1096).....	146, 164, 167.
H 1795	Renew Sewer Systems Eminent Domain (Ch. 1084)	146, 158, 161.
H 1796	Straight Ticket Voting (Ch. 1099).....	146, 158, 168.
H 1797	Cherokee Advisory Council (Ch. 1085).....	146, 158, 161.
H 1798	Political Committee Raffles (Rules Com) (Amd #3—H 1754 tabled).....	166.
H 1799	Clarify Insurance Plan (Rules Com).....	174.
H 1801	Honoring Ralph Campbell, Sr (Res. 105)	172, 175.

**A
L
P
H
A
B
E
T
I
C
A
L

I
N
D
E
X**

ALPHABETICAL INDEX

—A—

ABC—see Alcoholic Beverage Control	
AHEC—see Public Health	
Absence, leave of—see individual Senator	
Adjournment—see General Assembly	
Administration of Estates—see Estates	
Administrative Procedure	
H 1784 (unf rpt)	162, 180, 181.
Adoption—see Child Welfare	
Advisory Budget Commission	202.
Aeronautics	
Airport	
Construction Contract Bids	
H 1768 (Ch. 1033)	105, 113, 126, 137.
Navigational Aids Purchases/Federal Assistance	
H 1788 (Ch. 1093)	146, 163, 167.
State Financial Aid	
H 1789 (Ch. 1094)	133, 138, 152, 163, 167.
First Flight Society Funds	
S 844 (Appr Com)	84.
Aged	
Adult Day Care Funds	
S 748 (H 1646 H ppi) (Appr Com)	20.
Domiciliary Home Confidentiality	
S 745 (H 1644 H ppi) (Ch. 1076)	19, 89, 101, 154, 156.
Parent Support	
Income Tax Deduction	
S 21 (H 45) (Ch. 1072)	118, 126, 129, 154, 156.
Senior Citizen Centers	
S 747 (H 1645 H ppi) (Appr Com)	19.
Watauga	
S 883 (Appr Com/see S 187-Ch. 1114)	104.
Waynesville	
S 876 (Appr Com/see S 187-Ch. 1114)	100.
Agriculture	
Agriculture Facilities Finance Agency Appointment	
H 1491 (Ch. 1070)	114, 120, 140, 144.
Agricultural Marketing Funds	
S 804 (Appr Com)	51.
Apple Grading System/Cherokee's Farmers Market	
S 879 (Appr Com)	104.
Crop Lien Filing Amendments	
S 723 (reref Appr Com/see H 1376-Ch. 1116)	13, 18, 29.
Crop Lien Filing System	
S 729 (Appr Com/see H 1376-Ch. 1116)	15.
Farmers Market/Fayetteville Funds	
S 754 (Appr Com/see S 187-Ch. 1114/H 1376 Ch. 1116)	20.

Agriculture (continued)

- Fletcher Center Funds—3
 S 858 (H 1699 H ppi) (Appr Com/see H 1376-Ch. 1116) 86.
- Gleaned Crops Income Tax Credit
 H 1099 (Ch. 1018) 38, 63, 76, 117.
- Laurel Springs Livestock Funds
 S 768 (Appr Com/see S 187-Ch. 1114) 25.
- Milk Commission Appointment
 H 1491 (Ch. 1070) 114, 120, 140, 144.
- Milk Commission Assessments
 H 1772 (Ch. 1062) 108, 125, 139, 145.
- Poultry
 Breeder Research Facility Funds
 S 823 (Appr Com/see H 1376-Ch. 1116) 58.
 Disease Diagnostic Service
 S 816 (Appr Com) 57.
- Tillage Equipment Tax Credit
 H 541 (Ch. 969) 37, 69, 76, 83.
- Tobacco Federal Excise Tax Drop Urged
 S 787 (Res 97) 34, 143.
- Ten-Worker Farms
 H 1261 (Ch. 1042) 114, 124, 142.
- Air**—see Natural and Economic Resources (Pollution Control)
- Airport**—see Aeronautics; Individual County
- Alamance County**—District 21—Senator Cary D. Allred
 Local Appropriations
 S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
 Sec. 88 Sword of Peace
 141 Burlington Boys Choir
 242 Wesley Hall of Alamance
 301 Alamance Energy Service
- Alcoholic Beverage Control**—see Individual County
- Alexander County**—District 26—Senator T. Cass Ballenger
 Senator William W. Redman, Jr.
 Hospitals Garnish Wages
 H 1165 (Ch. 1051) 127, 129, 138, 144.
- Alford, Dallas L., Jr.**—Senator Nash (part), Wilson—10th District
 Absent With Leave 54, 71.
 Committee Assignments
 Conference—
 HB 1413 153, 172.
 Remarks Spread (Allsbrook) 41.
 Bills and Resolutions—(Senate Bill Numbers)
 Primary Sponsor 715.
 Co-Sponsor 702, 713, 750, 755, 764, 765, 817, 823, 825, 878.
- Alimony**—see Married Persons (Divorce)
- Alleghany**—District 24—Senator Conrad R. Duncan, Jr.
 Senator George W. Marion, Jr.
 Economic Development Matching Funds
 H 1608 (Ch. 965) 60, 80.
 Local Appropriations
 S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
 Sec. 419 Laurel Springs Livestock
 498 Alleghany Co. EDA Grant Match

Allred, Cary D.—Senator **Alamance, Caswell—21st District**
 Absent With Leave 18, 168.
 Remarks Spread (Allsbrook) 42.
 Bills and Resolutions—(Senate Bill Numbers)
 Primary Sponsor None.
 Co-Sponsor 702.

Allsbrook, Julian R.—Senator **Edgecombe (part), Halifax (part),
Warren—6th District**
 Adjournment in Memory 53.
 Announcement of Death (May 15, 1984) 5.
 Resolution Honoring
 S 702 (Res 64) 7, 38, 54.

Alzheimers Disease—see Diseases
Ambulances—see Motor Vehicles (Emergency)
Animals—see Agriculture; Wildlife
Annexation—see Local Government, Individual County
Anson County—District 17—Senator Robert B. Jordan III
Senator Aaron W. Plyler
 Local Appropriations
 S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
 Sec. 401 Anson Firemen’s Assn.

Appendix 189.

Appointments—see also General Assembly; Appendix; Individual Member
 Lieutenant Governor/Speaker of the House
 Contract Appeals, State Board
 Public Employees Deferred Compensation, N.C.
 Board of Trustees
 Teachers and State Employees
 Comprehensive Major Medical Plan, Board of Trustees
 Retirement System, Board of Trustees
 S 894 (Ch. 1092) 137, 161.
 H 1491 (Ch. 1070) 114, 120, 140, 144.

President Pro Tempore/Speaker of the House
 Cherokee Advisory Council
 H 1797 (Ch. 1085) 146, 158, 161.

Private Protective Services Board
 S 842 (Ch. 1091) 84, 107, 124, 161.

U. S. Constitution Bicentennial Commission
 S 846 (Appr Com/see H 1376-Ch. 1116) 74.

Speaker of the House of Representatives
 Agricultural Facilities Finance Agency, N.C.
 Contract Appeals, State Board
 Milk Commission, N.C.
 Museum of Art, N.C.
 Private Protective Services Board
 H 1491 (Ch. 1070) 114, 120, 140, 144.

Appropriations—see also Advisory Budget Commission
 ADAP Funds, Cleveland County
 S 720 (Appr Com) 13.

Agricultural Marketing Funds
 S 804 (Appr Com) 51.

Alzheimers Disease Program Funds
 S 795 (Appr Com/see H 1376-Ch. 1116) 50.

Appropriations (continued)

Apple Grading/Cherokee Farmers Market Funds	
S 879 (Appr Com)	104.
Ararat River Flood Control Funds	
S 805 (Appr Com)	56.
Arts	
Frank Holder Dance Company Funds	
S 797 (Appr Com/see S 187-Ch. 1114).....	50.
Gastonia Little Theater Funds	
S 791 (H 1641 H ppi) (Appr Com/see S 187-Ch. 1114).....	49.
Haywood Repertory Theater Funds	
S 875 (Appr Com/see S 187-Ch. 1114).....	99.
Lincoln Arts Council Funds	
S 871 (Appr Com/see S 187-Ch. 1114).....	99.
Boat Ramp	
Cedar Island	
S 851 (Appr Com/see S 187-Ch. 1114).....	84.
Budget (see also S 187, H 1376)	
Special Provisions—1984/85	
H 80 (Ch. 1034)	115, 137.
Current Operations—1984/85	
S 703 (Appr Com)	7.
H 1496 (Ch. 971)	61, 77, 83.
Celebrations/Festivals	
Apple Festival Funds	
S 718 (Appr Com/see S 187-Ch. 1114).....	13.
Asheville Street Festival Funds	
S 810 (Appr Com/see S 187-Ch. 1114).....	56.
Shakespeare Festival (Sec. 82)	
S 187 (H 377) (Ch. 1114)	177, 181, 184, 186.
Smokies Heritage Festival Funds	
S 736 (Appr Com/see S 187-Ch. 1114).....	18.
Courts	
Personnel/Equipment	
H 1551 (Ch. 1109)	131, 132, 133, 178.
Crime and Delinquency Council Funds	
S 834 (Appr Com/see S 187-Ch. 1114).....	74.
Crop Lien Filing System	
S 729 (Appr Com/see H 1376-Ch. 1116)	15, 48.
Cultural Resources/Eastern Office—Personnel Funds	
S 850 (Appr Com)	84.
DMV ID Cards for 12-yr-Olds—2	
S 832 (Appr Com/see H 1772-Ch. 1062	
H 1376-Ch. 1116)	59.
Dispute Settlement Center Funds	
Cherokee County	
S 861 (Appr Com/see S 187-Ch. 1114).....	98.
Clay County	
S 868 (Appr Com/see S 187-Ch. 1114).....	98.
Graham County	
S 870 (Appr Com/see S 187-Ch. 1114).....	99.
Haywood County	
S 863 (Appr Com/see S 187-Ch. 1114).....	98.

Appropriations (continued)

Dispute Settlement Center Funds (continued)

Henderson County	
S 814 (Appr Com/see S 187-Ch. 1114).....	57.
S 864 (Appr Com/see S 187-Ch. 1114).....	98.
Jackson County	
S 865 (Appr Com/see S 187-Ch. 1114).....	98.
Macon County	
S 860 (Appr Com/see S 187-Ch. 1114).....	98.
One Step Further	
S 833 (Appr Com/see S 187-Ch. 1114).....	74.
Polk County	
S 867 (Appr Com/see S 187-Ch. 1114).....	98.
Swain County	
S 866 (Appr Com/see S 187-Ch. 1114).....	98.
Transylvania County	
S 869 (Appr Com/see S 187-Ch. 1114).....	99.
Education Policy Rec Funds, Public	
S 764 (H 1569 H ppi) (Appr Com)	24.
Emergency Services (Fire/Rescue)	
Jonas Ridge Fire/Rescue Funds	
S 839 (Appr Com/see S 187-Ch. 1114).....	83.
McGrady Fire Dept. Funds	
S 891 (Appr Com/see H 1376-Ch. 1116)	135.
Family Violence Program (Southwestern)/RESPECT, Inc.	
S 792 (Appr Com)	49.
Farmers Markets	
Cherokee/Apple Grading Funds	
S 879 (Appr Com)	104.
Fayetteville Funds	
S 754 (H 1376-Ch. 1116) (Appr Com/see S 187-Ch. 1114).....	20.
Female Ex-offender Funds, Wake	
S 838 (Appr Com/see S 187-Ch. 1114).....	74.
First Flight Society Funds	
S 844 (Appr Com)	84.
Forest	
Forestry Headquarters Funds	
S 708 (Appr Com/see S 187-Ch. 1114).....	7.
Randolph Headquarters Funds	
S 840 (Appr Com/see S 187-Ch. 1114).....	84.
Gaston College Training Funds	
S 710 (H 1490 H ppi) (Appr Com)	10.
General Fund Bond Sinking Fund	
S 733 (reref Appr Com)	17, 38.
Haywood Education Program Funds	
S 873 (Appr Com/see S 187-Ch. 1114).....	99.
Hazelwood Water Works Funds	
S 779 (Appr Com/see S 187-Ch. 1114).....	26.
Health Systems Agencies Funds	
S 743 (H 1614 H ppi) (Appr Com)	19.

Appropriations (continued)

Hearing Impaired

Eastern School Deaf Funds

S 715 (Appr Com/see S 187-Ch. 1114)..... 12.

Hearing Impaired Children's Funds

S 887 (Appr Com/see H 1376-Ch. 1116) 105.

Historic Site

James Polk Funds

S 794 (H 1696 H ppi) (Appr Com/see S 187-Ch. 1114)..... 50.

Holocaust Council, Operational Funds

S 857 (Appr Com/see S 187-Ch. 1114)..... 86.

Indian Economic Training Funds

S 822 (Appr Com/see H 1376-Ch. 1116) 58.

Kannapolis YMCA Funds

S 788 (Appr Com/see S 187-Ch. 1114)..... 35.

Laurel Springs Livestock Funds

S 768 (Appr Com/see S 187-Ch. 1114)..... 25.

Local Appropriations—see Individual County

Mental Health

Adolescent Treatment Funds/Dix

S 751 (Appr Com/see 187-Ch. 1114)..... 20.

Autistic Adult Group Home Funds

S 819 (Appr Com/see H 1376-Ch. 1116) 57.

Autistic Adults Vocational Fund

S 818 (Appr Com/see H 80-Ch. 1034) 57.

Autistic Group Home Purchase Funds

S 796 (Appr Com/see S 187-Ch. 1114)..... 50.

Autistic Home Funds, High Point

S 849 (H 1773 H ppi) (Appr Com) 84.

Western Regional Complex Funds

S 769 (Appr Com) 25.

Merit Pay Fund, State Employee

S 837 (Appr Com/see H 80-Ch. 1034) 74.

Monument Funds, Gettysburg, N.C.

S 707 (Appr Com/see H 1496-Ch. 971) 7.

Museum

Albemarle Museum Exhibit Funds

S 806 (Appr Com/see S 187-Ch. 1114)..... 56.

Gaston Art and History Museum Funds

S 771 (H 1637 H ppi) (Appr Com/see S 187-Ch. 1114)..... 25.

Salisbury Historic Railroad Station Funds

S 711 (Appr Com/see S 187-Ch. 1114)..... 10.

Schiele Museum Funds

S 749 (H 1580 H ppi) (Appr Com/see S 187-Ch. 1114)..... 20.

Nantahala Gorge Study Funds

S 853 (Appr Com) 97.

National Guard Armories Funds

S 801 (Appr Com/see S 187-Ch. 1114)..... 50.

Natural Heritage Programs Funds

S 827 (H 1565 H ppi) (Appr Com/see H 1376-Ch. 1116) 73.

Omnibus, Local—see Individual County

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Appropriations (continued)

Omnibus, Statewide

H 1376 (Ch. 1116) 178, 183, 184, 186.

Parks

Waynesborough Park Funds

S 799 (Appr Com/see S 187-Ch. 1114)..... 50.

Police Community Relations Funds

S 808 (Appr Com/see S 187-Ch. 1114)..... 56.

Poultry Disease Diagnosis Funds

S 816 (Appr Com) 57.

Poultry Research Facility Fund

S 823 (Appr Com/see H 1376-Ch. 1116) 58.

Prison/Chaplaincy Funds, Randolph

S 841 (Appr Com/see S 187-Ch. 1114)..... 84.

Private Child Care Funds

S 714 (H 1505 H ppi) (Appr Com/see H 1376-Ch. 1116) 11.

Radar Speed Watch Operator Funds

S 820 (H 1715 H ppi) (Appr Com/see H 1376-Ch. 1116) 57.

Rape Crisis Center Funds, Bates House

S 872 (Appr Com/see S 187-Ch. 1114)..... 99.

Recreation

Gate City Junior Tennis Funds

S 836 (Appr Com/see S 187-Ch. 1114)..... 74.

Granite Falls Recreation Center Funds

S 881 (Appr Com/see S 187-Ch. 1114)..... 104.

Madison-Mayodan Recreation Funds

S 793 (Appr Com/see S 187-Ch. 1114)..... 50.

Regional Institution Definition/Implementation Funds

S 770 (H 1672 H ppi) (Appr Com) 25.

Restoration

Burke Courthouse Funds

S 781 (Appr Com/see S 187-Ch. 1114)..... 30.

Cabarrus Courthouse Funds

S 802 (Appr Com/see H 1376-Ch. 1116) 50.

Campbell Folk School Funds

S 888 (Appr Com/see S 187-Ch. 1114)..... 119.

deRossett House (Sec. 29)

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Jones House Funds/Boone

S 767 (Appr Com/see S 187-Ch. 1114)..... 25.

Mt. Airy Restoration Foundation Funds

S 843 (Appr Com/see S 187-Ch. 1114)..... 84.

Murray's Mill Funds

S 722 (Appr Com/see S 187-Ch. 1114)..... 13.

Temperance Hall/McNeill House Funds

S 784 (Appr Com/see S 187-Ch. 1114)..... 30.

Thalian Hall Commission (Sec. 30)

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Wm. Penn Foundation Funds

S 835 (Appr Com/see S 187-Ch. 1114)..... 74.

Appropriations (continued)

Retirement

Law Officer's Subsidy/Phase-out

S 878 (Appr Com) 100.

Retirement Credit/Temporary Employment

S 776 (reref Appr Com) 26, 106.

Roanoke Voyages and Elizabeth II Commission Funds

H 1689 (Ch. 1115) (see also H 1376-Ch. 1116)..... 184, 187.

Sanitary District Funds, Wilkes

S 856 (Appr Com/see S 187-Ch. 1114)..... 85.

Senior Citizens Center Funds

Adult Day Care Funds

S 748 (H 1646 H ppi) (Appr Com) 20.

Senior Citizens' Centers Funds

S 747 (H 1645 H ppi) (Appr Com) 19.

Watauga County Funds

S 883 (Appr Com/see S 187-Ch. 1114)..... 104.

Waynesville Funds

S 876 (Appr Com/see S 187-Ch. 1114)..... 100.

Shellfish Waters Use Funds

S 882 (Appr Com/see H 1376-Ch. 1116) 104.

Student Legislature Funds

S 824 (Appr Com/see H 1376-Ch. 1116) 58.

Studies—see **Studies**

Theatre—see Arts under this heading

United States Constitution Bicentennial Commission Funds

S 846 (Appr Com/see H 1376-Ch. 1116) 74.

University of North Carolina

Asheville Engineering Funds

S 854 (Appr Com/see H 1376-Ch. 1116) 85.

NCSU

Fletcher Center Funds — 1

S 716 (Appr Com) 12.

Fletcher Center Funds — 2

S 800 (Appr Com) 50.

Fletcher Center Funds — 3

S 858 (H 1699 H ppi) (Appr Com/see H 1376-Ch. 1116) 86.

Welcome Center Funds, Aycock/Brown

S 813 (Appr Com/see S 187-Ch. 1114)..... 57.

Western Rockingham School Funds

S 773 (Appr Com/see S 187-Ch. 1114)..... 25.

Wildlife Hatchery Funds

S 874 (Appr Com/see S 187-Ch. 1114)..... 99.

Women's Prison Cultural Funds

S 812 (Appr Com/see H 1376-Ch. 1116) 57.

Archives and History

Eastern Office (Greenville)

S 850 (Appr Com) 84.

Arrest—see Criminal Law; Criminal Procedure

Arts—see also Appropriations (Arts)

Budget Special Provisions — Art Museum Renovation

H 80 (Ch. 1034) 115, 137.

Museum of Art Board of Trustees Appointment

H 1491 (Ch. 1070) 114, 120, 140, 144.

Ashe County—District 24—Senator Conrad R. Duncan, Jr.
 Senator George W. Marion, Jr.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
 Sec. 149 Ashe Historical Society
 410 Todd Fire Department

Assault—see Criminal Law

Atomic Energy—see Energy

Attorney General—see Judicial Department; State Officer

Attorneys—see Judicial Department

Auditor, State—see State Officers

Autism—see Mental Health

Automobile—see Motor Vehicle

Automobile Insurance—see Insurance

Avery County—District 27—Senator James H. Edwards
 Senator Donald R. Kincaid

Aviation—see Aeronautics

—B—

Bail Bond—see Criminal Procedure

Ballenger, T. Cass—Senator (Minority Leader) Alexander, Catawba, Iredell,
 Yadkin—26th District

Absent With Leave 18, 24, 37.

Committee Assignments:

Conference—

SJR 892 175, 180.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 722.

Co-Sponsor 744, 750, 753, 755, 764, 765, 878.

Ballots—see Elections

Bankruptcy—see Civil Procedure (Money Judgments)

Banking

Interstate Banking Permitted

S 706 (Ch. 1113) 7, 55, 76, 180, 182, 186.

Interstate Savings and Loans Permitted

S 807 (Ch. 1087) 56, 72, 90, 161.

Voucher Requirement Exemption

S 462 (H unf rpt)

Barnes, Henson P.—Senator Greene, Wayne—8th District

Committee Assignments:

Conference—

SJR 897 175, 184.

Remarks Spread (Allsbrook) 46.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 757, 799.

Co-Sponsor 702, 730, 755, 764, 765, 825, 878.

Barnes, Richard W.—Senator Forsyth (part)—20th District

Absent With Leave 5, 10, 30, 83, 94, 160, 168.

Committee Assignments:

Conference—

SB 14 56, 112.

Barnes, Richard W. (continued)

Votes/Excused: SB 706..... 76.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor None.

Co-Sponsor 755, 764, 765, 825.

Beach Access—see Natural and Economic Resources (Coastal Area)**Beaufort County**—District 1—Senator Melvin R. Daniels, Jr.

District 9—Senator Vernon E. White

Washington

Assessment Reduction

H 1541 (Ch. 951) 59, 79.

Land Transfer

H 1498 (Ch. 941) 27, 36, 52, 54.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 92 Pantego Academy

129 Blackbeard Outdoors Drama

130 Aurora Library

208 Washington Civic Center

351 Chocowinity Fire Department

526 Belhaven City Hall

Bed and Breakfast Establishments—see Public Health**Beer/Wine**—see Alcoholic Beverage Control; Individual County**Bertie County**—District 2—Senator J. J. Harrington

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 97 Historic Hope Plantation

98 King Bazemore House

163.4 Hotel Freeman Restoration

230 Northeast Center for Human Development

Bids

Cumberland Industrial Sites Sales Exemption

S 895 (Ch. 1079) 120, 156.

Bigamy—see Married Persons**Billboards**—see Transportation (Roads and Highways)**Bingo**—see Criminal Law (Gambling)**Birth Control**—see Medicine; Social Services**Birth Registration**—see Public Health**Bladen County**—District 18—Senator R. C. Soles, Jr.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 356 Ammon Fire Department

357 Tar Heel Fire Department

358 Kelly Fire Department

359 White Oak Fire Department

360 Hickory Grove Fire Department

361 Lisbon Fire Department

364 Carvers Creek Fire Department

393 East Arcadia Fire Department

394 Kelly Fire Department

407 Carvers Creek Fire Department

434 Clarkton Sewer

Blind—see Handicapped

Block Grants

Budget Special Provisions

H 80 (Ch. 1034) 115, 137.

Board of Governors—see Higher Education (UNC)**Boards and Commissions**—see also Appointments

Abolished

H 1517 (Ch. 995) 32, 49, 70, 103.

Sec. 16 Chowan Regional Task Force

11 Commercial and Sports Fisheries Advisory Committee

8 Crime Prevention and Public Information Commission
(Governor's Crime Commission)

10 Education and Training Advisory Committee

21 Edwin Gill Theater Project Selection Committee

6 Employment Security Commission/Advisory Council

5 Future of North Carolina Commission

18 Highway Contract Oversight Commission, NC

20 International Year of the Disabled Person, Task Force

4 Land Conservancy Corporation, NC

1 New Horizons Task Force, NC

7 Occupational Education Research Services Advisory Council

2 Oil Re-refining Facility Board of Directors, NC

17 Private Schools Advisory Committee

3 Retired Senior Executives Advisory Committee

9 Sudden Infant Death Syndrome Project Council

13 Triad Park Commission

15 Water Policy Advisory Committee/Clean Water Act

14 Water Quality Council

12 Water Safety Council, NC

Water Safety Committee, NC (Local)

H 1658 (Ch. 1082) 88, 157, 161.

Created

Awards Committee, NC (Sec. 22)

H 1517 (Ch. 995) 32, 49, 70, 103.

Disability Task Force (Sec. 64)

H 80 (Ch. 1034) 115, 137.

Geologists, NC Board for Licensing

S 555 (Ch. 1074) 145, 156.

Governmental Productivity, Governor's Commission (Sec. 19)

H 1517 (Ch. 995) 32, 49, 70, 103.

Hazardous Waste Treatment Commission, NC

S 734 (H 1607 H ppi) (Ch. 973) 17, 36, 53, 63, 94.

New Occupational and Professional Licensing Boards

H 110 (Ch. 1089) 133, 147, 154, 157, 158, 161.

Nutrient Sensitive Watersheds Committee (Sec. 110)

H 80 (Ch. 1034) 115, 137.

Occupational Therapy, NC Board

S 436 (Ch. 1073) 145, 156.

Pay Equity Advisory Committee (Sec. 146)

H 80 (Ch. 1034) 115, 137.

Public Employees Supplemental Income Retirement System

Board of Trustees

H 1500 (S 758 H ppi) (Ch. 975) 87, 95.

Boards and Commissions (continued)

Created (continued)

Roanoke Voyages and Elizabeth II Commission

H 1689 (Ch. 1115) 184, 187.

Study Commissions—see Studies

United States Constitution Bicentennial Commission (Sec. 47)

H 1376 (Ch. 1116) 178, 183, 184, 186.

Diminished

Law Enforcement Officers Retirement System,

Board of Trustees (Sec. 241)

H 80 (Ch. 1034) 115, 137.

Expanded

Science and Mathematics, NC School, Board of Trustees (Sec. 50)

H 80 (Ch. 1034) 115, 137.

Teachers and State Employees Retirement System

Board of Trustees (Sec. 238)

H 80 (Ch. 1034) 115, 137.

Sunset Provisions Extended

H 1518 (Ch. 1053) 87, 120, 140, 144.

Women/Minorities Membership by Ratio

S 730 (Res. 99) 15, 48, 68, 136, 143.

Boats—see Natural and Economic Resources (Wildlife)**Bonds**—see also Criminal Procedure; Liens

General Fund Bond Sinking Fund

S 733 (reref Appr Com) 17, 38.

Receiver Appointment Requirement

H 1398 (Ch. 994) 35, 53, 59, 103.

Boundaries—see State Government; Individual County**Breathalyzer**—see Alcoholic Beverage Control**Bribery**—see Criminal Law**Bridge**—see Transportation**Brunswick County**—District 18—Senator R. C. Soles, Jr.

Calabash ABC Profits Distribution

H 1594 (Ch. 1010) 87, 97, 109, 117.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 103 Fort Fisher Ferry Guide

104 4th of July Festival

105 Oyster Festival

106 Leland Library

107 Brunswick Historic Site

197 Topsail High School Improvement

362 Calabash Rescue Squad

363 Leland Fire Department

379 Shallotte Rescue Squad

395 Coastland Rescue

396 Calabash Rescue Squad

397 Waccamaw Rescue

433 Brunswick County Development

435 Waccamaw Park Improvements

Long Beach Room Occupancy Tax

H 1595 (Ch. 985) 62, 78, 92, 95.

Ocean Isle Beach Sewage Assessments

H 1597 (Ch. 1057) 87, 97, 108, 119, 130, 139, 144.

Brunswick County (continued)

Shalotte Point Incorporated

H 1625 (Ch. 1029) 88, 97, 108, 122, 135.

Trapping Season Limited

H 1596 (Ch. 1011) 87, 97, 109, 117.

Budget—see Appropriations (Budget)

Buncombe County—District 28—Senator Robert S. Swain
Senator Dennis Winner

Asheville Street Festival Funds

S 810 (Appr Com/see S 187-Ch. 1114)..... 56.

Dispute Settlement Center Grant-in-Aid

H 1551 (Ch. 1109) 131, 132, 133, 178.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 15 Belle Chere Festival

122 Richmond Pearson House

124 YMI Cultural Center

125 Western Arts Council

168 UNC Asheville Athletic Facilities

169 WUNF Capital Improvements

289 Elida Home, Inc.

307 WUNF Equipment

Bundy, Sam D.—Honored

H 1548 (Res. 58)27, 33, 35.

Burke County—District 27—Senator James H. Edwards
Senator Donald R. Kincaid

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 8 Burke Courthouse

150 "From This Day Forward"

163.2 Rock School House

206 Freedom High Fitness Program

207 East Burke Track Improvements

234 Western Carolina Center

344 Jonas Ridge Fire Rescue

415 Burke Forestry Headquarters

499 Glen Alpine Recreation Foundation

500 McGalliard Falls Park

Burning—see Fire Protection

Bus—see Motor Vehicle

Business—see Commerce

—C—

Cabarrus County—District 22—Senator Cecil R. Jenkins, Jr.
Senator Kenneth R. Harris
Senator W. Craig Lawing
Senator Benjamin T. Tison III

Harrisburg Fire District Tax

H 1523 (Ch. 937) 22, 29, 33, 35.

Cabarrus County (continued)

Kannapolis School Pay Day

H 1604 (Ch. 963) 62, 79.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 13 Cabarrus Fire/Rescue

68 Mount Pleasant Museum

446 Cannon Memorial YMCA Center

Old Courthouse Funds

S 802 (Appr Com/see H 1376-Ch. 1116) 50.

Caldwell County—District 27—Senator James H. Edwards

Senator Donald R. Kincaid

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 448 Granite Falls Center

Camden County—District 1—Senator Melvin R. Daniels, Jr.

Local Appropriations

Camden County Jail (Sec. 65)

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Campaign Contributions—see Elections**Campbell, Ralph**—Honored

H 1801 (Res. 105) 172, 175.

Candidacy—see Election**Cape Fear Pilotage Commission**—see Navigation**Capital Punishment**—see Criminal Law**Carteret County**—District 3—Senator Joseph E. Thomas

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 273 Carteret Senior Citizens

373 Atlantic Beach Fire/Rescue

386 Sea Level Fire/Rescue Squad

420 Cedar Island Boat Ramp

457 Cedar Point Boat Ramp

Caswell County—District 21— Senator Cary D. Allred

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 90 Caswell Courthouse

305 Caswell Civic Center

481 Caswell County Board of Commissioners

482 Lake Farmers Park

Catawba County—District 26—Senator T. Cass Ballenger

Senator William W. Redman, Jr.

Civic Center Authority

S 383 (H ppi)

Hospitals Garnish

H 1165 (Ch. 1051) 127, 129, 138, 144.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 4 Murray's Mill Fund

155 Arts Funds

233 Sheltered Workshop

Celebrations—see Appropriations

Chiropractor—see Medicine

Chowan County—District 2—Senator J. J. Harrington

Edenton Annexation

H 1624 (Ch. 989) 61, 78, 92, 95.

Cigarette Tax—see Taxation (Tobacco)

Cities, Towns and Municipalities—see Local Government

Civil Procedure

Attorney's Fee in Civil Actions

H 474 (Ch. 1039) 72, 90, 101, 111, 124, 137.

Evidence

Rules of Evidence and Statutes Conformed

H 1739 (Ch. 1037) 88, 119, 131, 137.

Extinguishing Mineral Rights

H 1794 (Ch. 1096) 146, 164, 167.

Receiver Appointment Bond Requirement

H 1398 (Ch. 994) 35, 53, 59, 103.

Clay County—District 29—Senator Charles Higgs

Senator R. P. Thomas

Campbell Folk School Funds (Matching)

S 888 (Appr Com/see S 187-Ch. 1114)..... 119.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 54 John Campbell Folk School

176 School Enrichment

330 Dispute Center

331 Dispute Center

332 Dispute Center

367 Rescue Squad

Clean Detergents—see Natural and Economic Resources

Clerks of Court—see Judicial Department

Cleveland County—District 25—Senator Ollie Harris

Senator Helen R. Marvin

Senator Marshall A. Rauch

Adult Development Activity Program

S 720 (Appr Com) 13.

Kings Mountain School Elections

S 719 (Ch. 934) 13, 24.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 18 Council on Holocaust

228 Shelby Childrens Center

234 Western Carolina Funds

442 Shelby Museum Park

Coastal Area—see Natural and Economic Resources

College—see Higher Education

Columbus County—District 18—Senator R. C. Soles, Jr.

Fair Bluff Town Elections

H 1547 (Ch. 1007) 87, 96, 109, 117.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 38 Watermelon Festival

39 Chadburn Strawberry Festival

Columbus County (continued)

Local Appropriations (continued)

- Sec. 199 Whiteville School Auditorium Restoration
- 224 Columbus Senior Citizens Center
- 436 Tabor City Economic Development
- 527 Tabor City Recreation/Athletic Complex, Inc.

Commissioners—see Individual County

Commitment—see Mental Health

Committees—see General Assembly (Senate); Individual Member

Community Colleges—see Higher Education

Community Service Restitution Program—see Criminal Procedure (Parole)

Comparable Worth—see Studies

Competency—see Judicial Department; Mental Health

Computer

Literacy Program/Low-Income Family

S 834 (Appr Com/see S 187-Ch. 1114)..... 74.

Confirmations/Consents—see General Assembly

Congress—see Resolutions, Joint

Constitution, North Carolina

Criminal Punishments

S 631 (H 389) (H Const Com)

Gubernatorial Single-Term Bill

S 859 (Rules Com)..... 86, 97.

Legislative Leaders Term/Election Bill

S 896 (Rules Com)..... 161.

Superintendent of Public Instruction Appointive

S 828 (H Rules Com)..... 58.

Constitution, United States

Bicentennial Commission

S 846 (Appr Com/see H 1376-Ch. 1116)..... 74.

Consumer Protection—see Criminal Law

Contracts

State Board of Appeals Appointment

S 894 (Ch. 1092)..... 137, 161.

Contractors

Architects/Engineers Regulation

S 543 (Ch. 970)..... 31, 55, 76, 83.

Geologists Licensing Act

S 555 (Ch. 1074)..... 145, 156.

Controlled Substances—see Medicine

Convening—see General Assembly

Conviction—see Civil Procedure; Criminal Procedure; Prisons

Correction Department—see Prisons

Counseling—see Dispute Settlement Centers

Counties—see Local Government; Individual County

Court—see Judicial Department

Craven County—District 3—Senator Joseph E. Thomas

Local Appropriations

S 187 (H 377) (Ch. 1114)..... 177, 181, 184, 186.

Sec. 22 Arts Council/Gallery

154 Courthouse Funds

Room Occupancy Tax

H 1575 (Ch. 980)..... 62, 77, 91, 95.

Credit Union—see Banking

Criminal Justice Education and Training Standards Commission—
see Law Enforcement

Criminal Law

Bribery Law Offenses Redefined

H 1779 (Ch. 1050) 132, 135, 145.

Cable Television Services Theft/Misdemeanor

S 845 (H 1757 H reref J III Com) (Ch. 1088) 84, 96, 110, 119, 126,
128, 132, 161.

Child Support Garnishment

S 514 (Ch. 1047)..... 131, 143.

Evidence

Rules of Evidence and Statutes Conformed

H 1739 (Ch. 1037) 88, 119, 131, 137.

Gambling

Raffle Deregulation

H 1754 (Ch. 1107) 102, 107, 121, 141, 151, 156, 157,
166, 167, 169, 173, 174, 176, 178.

Raffles Allowed/Political Committee

H 1798 (Rules Com) (Amd #3-H 1754 tabled). 166.

Phosphorus Detergents Limited

H 1603 (unf rpt)..... 82, 180.

Sexual Offenses

RESPECT, Inc. (Bates House)

S 872 (Appr Com/see S 187-Ch. 1114). 99.

Criminal Procedure

Bail Bond Forfeitures

S 681 (H ppi)

Child Support on Suspended Sentence

S 790 (Ch. 1100)..... 49, 72, 90, 166, 168.

Execution Date Specified

S 503 (reref Spec W & M Com) 72, 75.

Hunting/Fishing Without License

H 385 (Ch. 972) 15, 17, 36, 53, 95.

Parole

Community Service Restitution Program

S 430 (Ch. 1098)..... 135, 141, 152, 159, 164, 166, 168.

Punishments Established by Constitution

S 631 (H 389) (H Const Com)

Crops—see Agriculture

Cumberland County—District 12—Senator Anthony E. Rand

Senator Lura Tally

District 18—Senator R. C. Soles, Jr.

Fayetteville Farmers Market Funds

S 754 (Appr Com/see S 187-Ch. 1114/H 1376-Ch. 1116) 20.

Industrial Sites Sales Exemptions

S 895 (Ch. 1079)..... 120, 156.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 69 Fayetteville Museum Branch

121 Kemp Memorial Library Fund

200 J. C. Jones Scholarship

Cumberland County (continued)

Local Appropriations (continued)

- Sec. 254 Learning Enrichment Program
- 255 Cumberland Association for Retarded
- 256 Fayetteville Senior Citizens Center
- 355 Beaver Dam Fire/Rescue
- 417 Fayetteville Municipal Market
- 483 Beaver Dam Community Center
- 513 Spring Lake Civic Center
- 514 Seventy-first Improvement Association, Inc.
- 515 Fayetteville Business League
- 516 Savoy Heights Recreation Development Council
- 517 Seabrook Recreation Council
- 518 Spivey Recreation Development Council

Room Occupancy Tax

H 1590 (Ch. 983) 62, 78, 91, 95.

Currency/Bullion—see Taxation (Sales and Use)

Currituck County—District 1—Senator Melvin R. Daniels, Jr.

Local Appropriations

Corolla Boat Access (Sec. 456)

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Cystic Fibrosis—see Diseases

—D—

Dance Company/Festival Funds—see Appropriations (Arts)

Daniels, Melvin Roy, Jr.—Senator Beaufort (part), Camden, Currituck, Dare, Hyde, Pasquotank, Perquimans, Tyrrell, and Washington (part)—1st District

Escorts Governor..... 8.

Remarks Spread (Allsbrook)..... 42.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 704, 806, 813, 844.

Co-Sponsor 702, 715, 823, 825, 878, 882.

Dare County—District 1—Senator Melvin R. Daniels, Jr.

Aycock Brown Welcome Center Funds

S 813 (Appr Com/see S 187-Ch. 1114)..... 57.

Duck Beautification Tax

H 1525 (Ch. 991) 81, 90, 100, 104.

Dune Regulation

H 1526 (Ch. 1026) 105, 113, 123, 127.

Local Appropriations

Aycock Brown Welcome Center (Sec. 447)

Chicamacomico (Sec. 78)

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Pawnbrokers Permitted

H 1617 (Ch. 968) 61, 80.

Street Assessments

H 1511 (Ch. 1053) 35, 122, 125, 138, 144.

Water Hook-ups Unlawful

H 1616 (Ch. 967) 61, 80.

Davidson County—District 23—Senator Jack Childers
Senator Robert M. Davis

Local Appropriations

S 187 (H 377) (Ch. 1114)	177, 181, 184, 186.
Sec. 46 Lexington Library	
144 Davidson Historical Association	
163 Thomasville Library	
166 Finch Field Lights	
204 Davidson City Community College	
226 Domestic Violence	
258 Mental Health Association	
259 Sheltered Workshop	
260 Retarded Children	
398 Rescue	
399 Life Support	
439 Petersville Park	
440 Recreation Department	
493 Arcadia Booster Club Community Park	

Davie County—District 23—Senator Jack Childers
Senator Robert M. Davis

Local Appropriations

S 187 (H 377) (Ch. 1114)	177, 181, 184, 186.
Sec. 48 Historical Association	
49 Library	

Davis, Robert M.—Senator Davidson, Davie, Rowan—23rd District

Committee Assignments:

Conference—	
SB 430	152.
Remarks Spread (Allsbrook).....	44.
Votes/Excused	
HB 1376 (Amendment No. 2)	178.
Bills and Resolutions—(Senate Bill Numbers)	
Primary Sponsor	711, 712, 769, 823.
Co-Sponsor	702, 755, 764, 765, 825, 827, 878.

- Day Care**—see Aged; Child Welfare
- Deaf**—see Handicapped (Hearing Impaired)
- Death**—see Criminal Procedure; Medicine
- Death Penalty**—see Criminal Procedure
- Defendants**—see Criminal Law; Criminal Procedure
- Deferred Compensation**—see Salaries
- Dentist**—see Medicine
- Department Rules/Policies**—see Administrative Procedures
- Detective**—see Law Enforcement
- Disability Benefits**—see Retirement
- Disasters**—see Civil Defense
- Disease**

Alzheimer's Disease Program Funds	
S 795 (Appr Com/see H 1376-Ch. 1116)	50.
Cystic Fibrosis Tax Exemption	
S 731 (Ch. 1075).....	16, 38, 68, 156.

- Dispute Settlement Center**—see Appropriations; Individual County
- District Attorney**—see Judicial Department

Districts, Senatorial 3.

Divorce—see Married Persons

Doctor—see Medicine

Domiciliary Home—see Aged; Social Services

Driver's License—see Motor Vehicles (License, Operator's)

Drugs—see Medicine

Drunk Driving—see Criminal Law (Drunk)

Duncan, Conrad Riley, Jr.—Senator Alleghany, Ashe, **Rockingham**, Stokes, Surry and Watauga—**24th District**

Adjournment Motion..... 14, 82.

Committee Assignments:

 Conference—

 HB 1376..... 179, 185.

 Select

 Special Ways and Means 12.

Presence Recorded 16.

Bills and Resolutions—(Senate Bill Numbers)

 Primary Sponsor709, 766, 770, 772, 773, 793.

 Co-Sponsor730, 733, 750, 755, 764, 765, 767, 768, 797, 805, 825, 827, 878.

Duplin County—District 5—Senator Harold W. Hardison

 Force Account Use

 H 1561 (Ch. 959) 60, 79.

 Local Appropriations

 S 187 (H377) (Ch 1114)..... 177, 181, 184, 186.

 Sec. 135 Arts Council

 191 Wallace/Rose Hill Athletic Facilities

 192 Kenan High School Athletic Facilities

 193 North Duplin High School Athletic Facilities

 194 East Duplin High School Athletic Facilities

 195 Jones Senior High Athletic Facilities

 391 Law Enforcement Association

Durham County—District 13—Senator William G. Hancock, Jr. Senator Kenneth C. Royall, Jr.

 Local Appropriations

 S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

 Sec. 33 Museum of Life and Science

 34 Durham Arts Center

 35 American Dance Festival

 186 NCCU Celebration

 231 Durham Urban Ministries

 246 DHA Youth Enrichment Program

 247 Orange-Durham YWCA Coalition

 248 Lincoln Health Center

 368 Probation Challenge Program

 404 Redwood Fire Department

 427 Operation Breakthrough

 458 Hayti Development Corporation

 School Pay Day

 S 762 (H 1601 H ppi) (Ch. 948)..... 21, 71.

 Shampooing by Licensed Personnel Requirement

 H 1626 (Ch. 990) 61, 73, 93, 95.

DWI (Driving While Impaired)—see Motor Vehicles

— E —

Edgecombe County—District 2—Senator J. J. Harrington
 District 6—Senator Julian R. Allsbrook
 —Senator Phillip W. Taylor

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
 Sec. 253 Tri-county Rehabilitation
 462 Rocky Mount Opportunity Industries Center
 463 Edgecombe Land Trust

Education—see also Higher Education; Individual County

Adult Literacy Month Declared
 S 886 (Res 100) 119, 144.
 Elementary and Secondary School Reform Act
 S 765 (Spec W & M Com) 24.
 H 1567 (Ch. 1103) 87, 114, 124, 159, 164, 171, 175.
 Haywood Education Program Funds
 S 873 (Appr Com/see S 187-Ch. 1114) 99.
 Legislative Session 1985 Urged
 S 755 (H 1568 H reref Rules) (Spec W & M Com) 21.
 Public Education Policy Funds
 S 764 (H 1569 H ppi) (Appr Com) 24.
 Regional Institution Definition/Implementation Funds
 S 770 (H 1672 H ppi) (Appr Com) 25.
 NCAE/School Bd. Association Retirement Options
 H 1707 (Pen and Ret Com) 146.
 Salary—1984-85
 H 80 (Ch. 1034) 115, 137.
 Superintendent of Public Instruction Appointive
 S 828 (H Rules Com) 58.
 Teachers Summer Employment Study
 S 885 (Appr Com) 119.
 Western Rockingham School Funds
 S 773 (Appr Com/see S 187 Ch. 1114) 25.

Edwards, Elton—Senator Forsyth (part) and Guilford (part)—19th District

Committee Assignments:
 Conference—
 SJR 892 175, 182.
 Remarks Spread (Allsbrook) 46.
 Votes/Excused:
 SB 706 76, 182.
 SB 156 129.
 Bills and Resolutions—(Senate Bill Numbers)
 Primary Sponsor 892, 893, 902.
 Co-Sponsor 702, 729, 730, 733, 755, 764, 765,
 797, 818, 819, 825, 827, 833, 834,
 835, 836, 849, 862, 878.

Edwards, James H.—Senator Avery, Burke, Caldwell,
 Mitchell, and Wilkes—27th District

Committee Assignments:
 SJR 892 180, 182.
 HB 110 133, 147.
 HB 933 177.
 HB 1283 153, 154.

Edwards, James H. (continued)

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor	706, 707, 708, 781, 789, 807, 839, 856, 881, 891.
Co-Sponsor	702, 726, 729, 730, 737, 743, 747, 750, 755, 764, 765, 783, 790, 797, 820, 825, 878.

Elderly—see Aged**Elections**

House of Representatives/District 8 Elections

H 1791 (Ch. 1095)	146, 163, 167.
-------------------------	----------------

Political Committee Raffles Allowed

H 1798 (Rules Com) (Amd #3-H 1754 tabled)	166.
-------------------------------------------------	------

Registration

Straight Ticket Voting Bill

S 889 (Filed Status)	105, 119.
----------------------------	-----------

Straight Ticket Vote/Federal Compliance

H 1796 (Ch. 1099)	146, 158, 168.
-------------------------	----------------

Electrification—see Utilities**Electronic Processing**—see Appropriations; Computer**Emergency Vehicles**—see Motor Vehicles (Emergency)**Eminent Domain**—see also Local Government; Individual County

Public Sewer Condemnation

H 1795 (Ch. 1084)	146, 158, 161.
-------------------------	----------------

Employee—see Labor; State Personnel**Enabling Legislation**—see Resolutions (Joint)**Energy**

Nuclear

Property Tax Exemption

H 1682 (Ch. 1060)	93, 118, 130, 139, 145.
-------------------------	-------------------------

Solar

Corporate Tax Credit

H 665 (Ch. 1104)	53, 80, 165, 175.
------------------------	-------------------

Individual Tax Credit

H 666 (Ch. 1105)	53, 80, 165, 175.
------------------------	-------------------

Engineer/Surveyor—see Contractors**Environment**—see Natural and Economic Resources**Estates**

Administration

Cost Reduction—1

S 728 (H Fin Com)	15, 37, 68.
-------------------------	-------------

Perpetuities Reform Rule

H 1405 (tabled)	8, 15.
-----------------------	--------

Voucher Requirement Bank Exemption

S 462 (H unf rpt)

Evidence—see Civil/Criminal Procedure**Execution**—see Criminal Procedure

— F —

Fair Sentencing—see Criminal Law**Family Violence Program**—see Appropriations**Farmer's Market**—see Agriculture

- Fees**—see also Taxation; Individual Subject
- Felony**—see Criminal Law
- Festivals**—see Appropriations (Celebrations)
- Fire Protection**—see also Individual County
- Jonas Ridge (Burke)
- S 839 (Appr Com/see S 187-Ch. 1114)..... 83.
- McGrady Fire Department Funds (Wilkes)
- S 891 (Appr Com/see H 1376-Ch. 1116)..... 135.
- First Flight Society**—see Appropriations
- Fish**—see Natural and Economic Resources; Wildlife
- Flood Control**—see Natural and Economic Resources
- Food**—see Agriculture
- Food Tax**—see Taxation (Sales and Use)
- Forestry**—see Natural and Economic Resources
- Randolph Forest Headquarters Funds
- S 840 (Appr Com/see S 187-Ch. 1114)..... 84.
- Forsyth County**—District 19—Senator Elton Edwards
- District 20—Senator Richard W. Barnes
- Senator Marvin Ward
- Local Appropriations
- S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
- Sec. 40 Imagination Celebration
- 41 NC Dance Theatre
- 42 Winston Fine Arts Center
- 43 Old Salem
- 205 Afro Academics Olympics
- 219 Winston Salem YWCA
- 225 Forsyth Council on Drug Abuse
- 271 Triad Poison Center
- 286 Winston Salem Lake YWCA
- 287 Forsyth Self Reliance
- 298 Forsyth Job Skill
- 383 Rural Hall Fire Department
- 384 Union Cross Fire Department
- 385 Lewisville Fire Department
- 438 Pleasant Grove Community Center
- 494 Nature Science Center
- 495 Forsyth County Farm Museum
- 496 Kernersville Exercise/Fitness Trail
- Walkertown Incorporated
- H 1494 (Ch. 936) 22, 28, 33, 35.
- Franklin County**—District 11—Senator James D. Speed
- Local Appropriations
- S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
- Sec. 223 Franklin Senior Citizens
- 424 Franklin Co. Industrial Development
- 520 Louisburg Park Program
- Property Sale/Dispositon
- S 761 (Spec W&M Com)..... 21.
- Fuel**—see Energy

— G —

Gambling —see Criminal Law (Gambling)	
Garbage —see Public Health	
Gasoline and Oil Regulations —see Energy	
Gaston County —District 25—Senator Ollie Harris	
Senator Helen R. Marvin	
Senator Marshall A. Rauch	
Cherryville Absentee Voting	
H 1493 (Ch. 935)	27, 30.
Gaston College Training Funds	
S 710 (H 1490 H ppi) (Appr Com)	10.
Gastonia	
Airport Authority Powers	
S 752 (Ch. 945)	20, 71.
Firemen Benefits Raised	
S 725 (Ch. 1016)	13, 38, 63, 116.
Local Appropriations	
S 187 (H 377) (Ch. 1114)	177, 181, 184, 186.
Sec. 5 Schiele Museum	
7 Art and History Museum	
10 Gastonia Little Theater	
87 Mt. Holly Beautification	
244 Gaston Battered Spouse	
Gates County —District 2—Senator J. J. Harrington	
Local Appropriations	
S 187 (H 377) (Ch. 1114)	177, 181, 184, 186.
Sec. 21 Gates Courthouse	
212 Gate City Jr. Tennis Academy	
341 One Step Further Dispute Center	
342 Crime and Delinquency Council	
General Assembly	
Adjournment, sine die	
S 897 (Res 106)	162, 174, 175, 176, 183, 186, 187.
Confirmation/Consents	
Personnel Commission (Lyon)	112, 115, 129, 142.
Utilities Commission (Branford)	64.
H 1524 (Res. 62)	51, 55, 64.
Convening Date—1985 Session	
H 907 (Ch. 949)	49, 69, 71.
Education Session Urged—1985	
S 755 (H 1568 H reref Rules) (Spec W & M Com)	21.
House of Representatives	
District 8 Elections	
H 1791 (Ch. 1095)	146, 163, 167.
Joint Session—see Joint Sessions	
Legislative Confidentiality Amendments	
S 780 (Ch. 1038)	30, 49, 69, 136.
Legislative Research Commission	
Studies—see Studies —LRC	
New Occupational and Professional Licensing Boards	
H 110 (Ch. 1089)	133, 147, 154, 157, 158, 161.

General Assembly (continued)

Senate

Adjournment

In Honor—Senator Julian R. Allbrook 53.
 Sine Die 187.

Committees, Conference

SB 14 Eliminate Mandatory Retirement 56, 111.
 SB 430 Early Parole/Community Service 152, 164.
 SJR 892 Designate Oak Ridge Military Academy 175, 181.
 SJR 897 Adjournment Sine Die 175, 183.
 HB 110 Review of New Licensing Bills 133, 147, 157.
 HB 933 Alteration of Marriage License 177.
 HB 1283 Water System Dedication Regulations 153, 154.
 HB 1332 DWI School/County of Residence 153.
 HB 1376 Omnibus Statewide Appropriations 179, 184.
 HB 1413 Retirement Benefits Restrictions 153, 171.
 HB 1754 Raffle Law Revision 173, 174.

Committees, Select

Special Ways and Means 12, 24.

Committees, Standing

Appropriations 6.
 Appropriations/General Government 6.
 Base Budget 6.
 Human Resources 6.
 Judiciary I 6.
 Public Utilities and Energy 6.
 Rules and Operation of the Senate 6.
 Ways and Means 6.

Courtesies

Family/Friends of Governor James B. Hunt 9.
 Representatives, Former
 Collins, P. C. 103.
 Holshouser, James 103.
 Sandlin, Hugh 14.
 Senator, Former
 Raynor, Joe B. 11.
 Other
 Walton, Senator Charles D. (Rhode Island) 168.

Districts 3.

Journal Approved 5, 10, 11, 14, 16, 18, 23, 29, 34,
 37, 54, 71, 82, 94, 103, 116, 136,
 143, 155, 160, 168, 179.

Pages 8, 11, 30, 83, 143.

Prayer

Burgess, Reverend Samuel A. 70.
 Godwin, Reverend Claude (Senate Chaplain) 5, 10, 11,
 14, 16, 29, 34, 36, 54, 82,
 116, 136, 143, 155, 160, 167.
 Groner, Rabbi Yussi 103.
 Hardison, Senator Harold W. 179.
 MacGeachy, Reverend Sandy 23.
 McLeod, Reverend John D. 17.
 Miller, Reverend James H. 94.

General Assembly (continued)

Senate (continued)

President—see State Officers (Lieutenant Governor)

President Pro Tempore—see also **Lawing, W. Craig**—Senator

Election/Term Limitation

S 896 (Rules Com)..... 161.

Resolutions—see **Resolutions**, (Senate)

Rulings

SB 187 Provisions in Tabled Bill..... 181.

SB 706 House Amendment #1 Not Germane 180.

SB 852 Call of Roll Required..... 89.

HB 1369 Call of Roll Not Required 111.

HB 1754 Previously Reconsidered 167.

HB 1796 Provisions Tabled in Committee 158.

HB 1798 Provision in Failed Bill..... 166.

Staff 198.

Voting—see **Voting**

Student Legislature Funds

S 824 (Appr Com/see H 1376-Ch. 1116) 58.

Subsistence/Travel

H 80 (Ch. 1034) 115, 137.

Gift Deduction—see Taxation**Gleaned Crops**—see Agriculture**Governor**—see State Officers**Graham County**—District 29—Senator Charles Hipps
Senator R. P. Thomas

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 74 Graham Courthouse

175 Graham County School Enrichment

336 Graham Dispute Center

337 Graham Dispute Center

338 Graham Dispute Center

Grandparents—see Child Welfare**Granville County**—District 13—Senator William G. Hancock, Jr.
Senator Kenneth C. Royall, Jr.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 126 Granville Arts Council

127 Granville Historical Society

128 Lakeland Art Center

285 Granville Hospital

403 Creedmoor Rescue Squad

412 Butner Rescue Squad

413 Granville Rescue Squad

480 Town of Creedmoor

528 North Granville Emergency Medical Center

Oxford

Extraterritorial Zoning

H 1583 (Ch. 1027) 105, 113, 123, 127.

Street Assessments

H 1584 (Ch. 982) 62, 77, 91, 95.

Gray, Rachel G.—Senator **Guilford (part)**—32nd District
 Committee Assignments:
 Conference—
 SB 14 56, 112.
 Bills and Resolutions—(Senate Bill Numbers)
 Primary Sponsor745, 746, 747, 748, 797, 849.
 Co-Sponsor 702, 714, 730, 733, 755, 764, 765,
 766, 783, 790, 823, 824, 825, 827,
 833, 834, 835, 836, 893.

Great Smokies Park—see Resolutions, Senate
Green, James C.—Lieutenant Governor—see State Officers (Lieutenant Governor)
Greene County—District 8—Senator Henson P. Barnes
 Local Appropriations
 S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
 Sec. 102 Greene County Arts Council
 250 Greene County Senior Citizens Center
 387 Scuffleton Fire Department
 388 Greene County Rescue Squad
 466 Greene County Economic Development
 Walstonburg Property Sale
 H 1610 (Ch. 986) 61, 73, 92, 95.

Guardian—see Child Welfare; Judicial Department
Guilford County—District 19—Senator Elton Edwards
 District 31—Senator William N. Martin
 District 32—Senator Rachel G. Gray
 Local Appropriations
 S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
 Sec. 12 Frank Holder Dance
 16 William Penn Foundation
 63 Eastern Music Festival
 70 William Fields House
 216 United Services for Older Adults
 217 Greensboro Family Services
 218 Teen Challenge of Greensboro
 274 Greensboro Senior Club
 292 Hayes-Taylor YMCA Funds
 437 Kernersville Lindsay Street Park
 525 Stokesdale Community Park
 Room Occupancy Tax
 H 1621 (Ch. 988) 63, 78, 92, 95.
 Triad Home for Autistic Adolescents
 S 849 (H 1773 H ppi) (Appr Com) 84.

Guy, A. D.—Senator **Onslow**—4th District
 Absent With Leave18, 94, 136.
 Presence Recorded 24.
 Bills and Resolutions—(Senate Bill Numbers)
 Primary Sponsor 739.
 Co-Sponsor702, 715, 729, 730, 733, 750,
 823, 825, 878.

Halifax County—District 2—Senator J. J. Harrington
 District 6—Senator Julian R. Allsbrook
 Senator Phillip W. Taylor

Halifax County (continued)

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 27 Roanoke Canal Art

28 First for Freedom

421 Roanoke River Canal

461 Littleton Civic and Planning

Weldon School Elections

H 1591 (Ch. 984)81, 92, 95.

Hancock, Jr., William G.—Senator

Durham, Granville, Orange (part)
and Person—**13th District**

Absent With Leave..... 14.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 762, 763, 884, 887.

Co-Sponsor727, 730, 755, 764, 765, 766,
783, 786, 795, 797, 818, 819, 823, 825, 827.

Handicapped—see also Mental Health; Medicine

Hearing Impaired

Children's Fund

S 887 (Appr Com/see H 1376-Ch. 1116) 105.

Eastern School for Deaf

S 715 (Appr Com/see S 187-Ch. 1114)..... 12.

Hardison, Harold W.—Senator

Duplin, Jones, **Lenoir**
and Pender (part)—**5th District**

Committee Assignments:

Conference—

SB 430 152.

SJR 897 176, 184.

HB 1376 (Chairman) 179, 185.

Prayer 179.

Remarks Spread (Allsbrook)..... 46.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 703, 852.

Co-Sponsor 724, 745, 750, 755, 758, 764, 765,
766, 783, 796, 818, 819, 825, 878.

Harnett County—District 14—Senator Joseph E. Johnson

Senator William W. Staton

Senator Wilma Woodard

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 58 Fort Fisher

60 General Lee Museum

201 Harnett County Schools

272 Gateway House

455 Cape Fear Area OIC

Harrington, Joseph J.—Senator

Bertie, Chowan, Edgecombe (part),
Gates, Halifax (part), Hertford, Martin (part),
Northampton, and Washington (part)—**2nd District**

Absent With Leave..... 160, 168.

Remarks Spread (Allsbrook)..... 42.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor None.

Co-Sponsor715, 730, 745, 746, 747, 748,
755, 764, 825, 878.

Harris, Kenneth R.—Senator Cabarrus and Mecklenburg—22nd District
Absent With Leave.....18, 94, 168.

Committee Assignments:

Select—

Special Ways and Means 24.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor None.

Co-Sponsor 702, 733, 750, 753, 755, 764, 765, 878.

Harris, Ollie—Senator Cleveland, Gaston, Lincoln, Rutherford—25th District

Adjournment Motion.....11, 29, 93.

Committee Assignments:

Conference—

SB 14 (Chairman) 56, 112.

SJR 897 175, 184.

HB 1376 179, 185.

HB 1413 153, 172.

HB 1754 173, 174.

Escorts Governor..... 8.

Remarks Spread (Allsbrook)..... 45.

Votes Excused—SB 728..... 68.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 713, 719, 720, 817.

Co-Sponsor 702, 710, 714, 715, 724, 725, 733, 738,

745, 746, 747, 748, 749, 750, 755, 764,

765, 771, 791, 823, 825, 871, 878.

Haywood County—District 29—Senator Charles Hipps

Senator R. P. Thomas

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 20 Haywood Repertory Theater

158 Canton Memorial Armory

170 Haywood Educational Enrichment

214 Waynesville Armory Renovation

316 Haywood Dispute Center

317 Haywood Dispute Center

318 Haywood Dispute Center

444 Balsam Hatchery/Waynesville

445 Hazelwood Water Works

Waynesville Senior Center Funds

S 876 (Appr Com/see S 187-Ch. 1114)..... 100.

Hazardous Waste—see Public Health

Health—see Medicine; Public Health

Health Facilities—see Public Health (Facilities)

Hearing Impaired—see Handicapped

Henderson County—District 29—Senator Charles Hipps

Senator R. P. Thomas

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 3 Henderson Apple Festival

123 Flat Rock Playhouse

178 Henderson County School Enrichment

179 Hendersonville City School Enrichment

319 Henderson Dispute Center

Henderson County (continued)

Local Appropriations (continued)

Sec. 320 Henderson Dispute Center

321 Henderson Dispute Center

Road Hunting Regulated

S 756 (H 1577 H ppi) (Ch. 946)..... 21, 71.

Hertford County—District 2—Senator J. J. Harrington

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 94 Murfreesboro Historical Associates

96 Winton's Brown Hall

Higher Education

Elementary and Secondary School Reform Act

S 765 (Spec W & M Com) 24.

H 1567 (Ch. 1103) 87, 114, 124, 159, 164, 171, 175.

Mandatory Retirement Eliminated

S 14 (H 48) (Ch. 1019) 55, 81, 111, 114, 116.

Omnibus Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Private College Licensing

H 1535 (Ch. 1006) 87, 96, 110, 117.

University of North Carolina

Asheville

Industrial Engineering Masters Program Funds

S 854 (Appr Com/see H 1376-Ch. 1116) 85.

Budget—1984-85

H 80 (Ch. 1034) 115, 137.

Chapel Hill

Daniels Bldg/Student Athletic Dev. Center

S 852 (H ppi)..... 85, 89, 101, 109.

H 1771 (Ch. 1061) 108, 123, 139, 145.

North Carolina State University

Erdahl-Cloyd Bldg/Admin Services Center

S 852 (H ppi)..... 85, 89, 101, 109.

H 1771 (Ch. 1061) 108, 123, 139, 145.

Fletcher Center Funds — 1

S 716 (Appr Com) 12.

Fletcher Center Funds — 2

S 800 (Appr Com) 50.

Fletcher Center Funds — 3

S 858 (H 1699 H ppi) (Appr Com/see H 1376-Ch. 1116) 86.

Highway Patrol—see Law Enforcement

Highways—see Transportation

Hipps, Charles—Senator

Cherokee, Clay, Graham, **Haywood**,
Henderson, Jackson, Macon, Polk, Swain,
and Transylvania—**29th District**

Absent With Leave..... 24.

Adjournment Motion..... 179.

Committee Assignment:

Conference—

HB 1332..... 153.

Hipps, Charles (continued)

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor	705, 736, 779, 801, 814, 815, 848, 853, 864, 873, 874, 875, 876.
Co-Sponsor	716, 717, 718, 728, 730, 750, 755, 756, 764, 765, 792, 800, 825, 860, 861, 863, 865, 866, 867, 868, 869, 870, 872, 877, 878, 879, 885, 888.

Historical Properties—see Appropriations, Local Government; Individual County**History, Museum of**—see Appropriations (Museum)**Hoke County**—District 30—Senator David R. Parnell

Local Appropriations

S 187 (H 377) (Ch. 1114)	177, 181, 184, 186.
Sec. 55 Hoke Courthouse	
56 Hoke Library	
279 Hoke Literacy Council	
510 Hoke County Recreation Department	
512 Raeford/Hoke Industrial Development	

Holidays

Good Friday Holiday Bill Allowed

S 785 (Rules Com)	31.
-------------------------	-----

State Paid Holiday Legislative Approval

H 1787 (failed 2nd rdg)	146.
-------------------------------	------

Holocaust

Council Operational Expenses

S 857 (Appr Com/see S 187-Ch. 1114)	86.
-------------------------------------------	-----

Home/House—see Housing; Real Estate**Homestead**—see Appropriations; Taxation**Hospice**—see Medicine (Hospitals)**Hospitals**—see Medicine**Hotel and Restaurant**

Room Occupancy Tax—see Individual County

House of Representatives—see General Assembly**Housing**—see also Individual County

Finance

Interest on Reserve

H 1772 (Ch. 1062)	108, 125, 139, 145.
-------------------------	---------------------

Indian Housing/Non-Indians

S 862 (Ch. 1068)	86, 96, 110, 144.
------------------------	-------------------

Housing Finance Agency—see Housing**Hunt, Jr., James B.—Governor**—see State Officers (Governor)**Hunt, Wanda**—Senator

Chatham, Moore, Orange (part),
and Randolph—16th District

Committee Assignments:

Conference—

HB 933	177.
--------------	------

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor	730.
Co-Sponsor	731, 745, 746, 747, 748, 750, 759, 764, 765, 770, 783, 796, 797, 818, 819, 823, 824, 825, 827, 840, 849, 878.

Hunting—see Natural and Economic Resources (Wildlife); Individual County

Hyde County—District 1—Senator Melvin R. Daniels, Jr.

Local Appropriations

S 187 (H 377) (Ch. 1114)	177, 181, 184, 186.
Sec. 454 Agriculture Awareness	

—I—

Immunization—see Public Health**Income Tax**—see Taxation**Incompetents**—see Mental Health**Indians**

Cherokee Advisory Council Created

H 1797 (Ch. 1085)	146, 158, 161.
-------------------------	----------------

Cherokee Council Bill

S 890 (Filed Status)	105, 120.
----------------------------	-----------

Housing—Indians/Non-Indians

S 862 (Ch. 1068)	86, 96, 110, 114.
------------------------	-------------------

Tribal Economic Development Project

S 822 (Appr Com/see H 1376-Ch. 1116)	58.
--------------------------------------------	-----

Inheritance—see Taxation**Inmate**—see Prison**Installment Sales**—see Interest**Insurance**

Chemical Dependency Treatment

S 724 (Ch. 1110)	13, 165, 178.
------------------------	---------------

Motor Vehicle

Speeding Offense Points

H 1799 (Rules Com)	174.
--------------------------	------

Teachers and State Employees Comprehensive Major Medical Plan

Board of Trustees Appointment

S 894 (Ch. 1092)	137, 161.
------------------------	-----------

H 1491 (Ch. 1070)	114, 120, 140, 144.
-------------------------	---------------------

Intangible Tax—see Taxation**Interest**

Consumer Loan Late Payment Fee

S 789 (Fin Com)	49.
-----------------------	-----

Interstate Banking—see Banking**Intoxication**—see Alcohol Beverage Control; Criminal Law; Motor Vehicles**Involuntary Commitment**—see Mental Health**Iredell County**—District 26—Senator T. Cass Ballenger

Senator William W. Redman, Jr.

Local Appropriations

S 187 (H 377) (Ch. 1114)	177, 181, 184, 186.
--------------------------------	---------------------

Sec. 50 Iredell County Library

51 Mooresville Library

57 Statesville City Hall

64 Native American Festival

School Systems

H 1369 (Ch. 1048)	102, 107, 111, 144.
-------------------------	---------------------

Statesville Museum Lease

H 1492 (Ch. 940)	27, 36, 52, 54.
------------------------	-----------------

—J—

Jackson County—District 29—Senator Charles W. Hipps
 Senator R. P. Thomas

Local Appropriations

- S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
- Sec. 171 Western Carolina Historical Exhibit
- 174 School Programs
- 322 Dispute Center
- 323 Dispute Center
- 324 Dispute Center

Jenkins, Jr., Cecil R.—Senator **Cabarrus, Mecklenburg**—22nd District

- Adjournment Motion 23, 187.
- Committee Assignments:
- Conference—
- SB 430 165.
- HB 110 133, 147.
- HB 1283 153, 154.
- HB 1332 153.

Standing—

- Judiciary I (Chairman) 6.
- Bills and Resolutions—(Senate Bill Numbers)
- Primary Sponsor 723, 729, 788, 794, 802, 803, 830, 831, 880.
- Co-Sponsor 702, 750, 764, 765, 783, 824, 825, 878.

Johnson, Joseph E.—Senator **Harnett, Lee, Wake** (part)—14th District

- Votes/Excused
- SB 706 180.
- HB 1365 125.
- Bills and Resolutions—(Senate Bill Numbers)
- Primary Sponsor 727, 808.
- Co-Sponsor 702, 730, 758, 766, 796, 825, 827, 837, 838.

Johnston County—District 15—Senator Robert D. Warren

- Four Oaks Annexation
- H 1576 (Ch. 981) 62, 77, 91, 95.
- Local Appropriations
- S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
- Sec. 108 Choral Society
- 109 Library Funds
- 198 Johnston Technical Institute/Fire Tower Funds
- 202 Cultural Arts Funds
- 264 Courthouse Ramp Funds
- 265 Council on Aging Funds
- 304 Princeton Beautification Funds
- 429 Migrant Services Funds
- 430 Kenly Tobacco Museum
- 519 Selma Union Station

Micro Annexation

- H 1516 (Ch. 943) 27, 36, 52, 63, 71.

Joint Resolutions—see Resolutions, Joint

Joint Session

- Invitation from Speaker of House 8.
- Budgetary Message from Governor 9, 193.
- Utilities Commissioner Confirmation 64.

Jones County—District 5—Senator Harold W. Hardison

Land Conveyance

H 1562 (Ch. 960) 60, 79.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 26 Auditorium Funds

278 Senior Citizens Funds

Road Hunting Referendum

H 1559 (Ch. 979) 60, 72, 91, 95.

Jordan III, Robert Byrd—Senator

Anson, **Montgomery**, Richmond,

Scotland, Stanly, and Union—**17th District**

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 827.

Co-Sponsor 702, 730, 745, 747, 748, 758,

764, 765, 766, 783, 784, 797,

818, 819, 824, 825, 849.

Judges—see Judicial Department

Judgment—see Civil Procedure

Judicial Department

Certificate-of-Need Appeals

S 742 (H 1586 H ppi) (Ch. 1000). 19, 48, 69, 103.

Courts Personnel/Equipment Appropriations

H 1551 (Ch. 1109) 131, 132, 133, 178.

Estate Administration Costs Reduced — 1

S 728 (H Fin Com) 15, 37, 68.

Evidence Statutes/Rules Conformed

H 1739 (Ch. 1037) 88, 119, 131, 137.

Retirement

Court Retirement Systems Merged

H 1681 (Ch. 1031) 88, 107, 126, 135.

Credit Restoration

H 687 (Ch. 1041) 114, 134, 137.

Jury—see Judicial Department

Juvenile—see Child Welfare; Judicial

—K—

Kincaid, Donald R.—Senator

Avery, Burke, Caldwell,

Mitchell, and Wilkes—**27th District**

Remarks Spread (Allsbrook) 41.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 721, 798.

Co-Sponsor 702, 707, 753, 755, 764, 765, 824, 878.

—L—

Labor Department

Hazardous Workplace Information Study — 2

H 1654 (reref Appr Com) 75, 138, 152.

Landlord and Tenant—see Housing

Landscape—see Contractors (Landscape)

Larceny—see Criminal Law

Law Enforcement—see also Criminal Procedure; Civil Procedure

Police Community Relations Funds
 S 808 (Appr Com/see S 187-Ch. 1114)..... 56.

Private Protective Services Board Appointment
 S 842 (Ch. 1091)..... 84, 107, 124, 161.
 H 1491 (Ch. 1070) 114, 120, 140, 144.

Radar Speed Watch Operator Funds
 S 820 (H 1715 H ppi) (Appr Com/see H 1376-Ch. 1116)..... 57.

Rehabilitation
 Female Ex-Offender Funds (Wake)
 S 838 (Appr Com/see S 187-Ch. 1114)..... 74.

Retirement Subsidy Phased Out
 S 878 (Appr Com) 100.

Lawing, W. Craig—Senator (President Pro Tempore) Cabarrus, Mecklenburg—22nd District

Absent With Leave..... 11.

Adjournment Motion..... 9, 11, 17, 23, 29, 34, 36, 53, 70, 82, 93,
 102, 115, 136, 142, 155, 160, 167, 179.

Appointments..... 222.

Committee Assignments:
 Conference—
 SJR 897..... 175, 184.
 HB 1376 179, 185.
 HB 1413 (Chairman)..... 153, 172.
 HB 1754 173, 174.

Journal Approval Motion 5, 10, 14, 16, 18, 23, 29, 34, 37,
 54, 71, 82, 94, 103, 116, 136, 143, 155,
 160, 168, 179.

Presides..... 157, 169.

Bills and Resolutions—(Senate Bill Numbers)
 Primary Sponsor 737, 740, 741, 742, 743, 744, 750, 774,
 775, 821, 829, 842, 847, 878, 894, 897, 898, 901.
 Co-Sponsor 702, 783, 825.

Lee County—District 14—Senator Joseph E. Johnson
 Senator William W. Staton
 Senator Wilma C. Woodard

Broadway Property Tax Discount
 H 1623 (Ch. 1012) 87, 97, 109, 117.

Local Appropriations
 S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
 Sec. 267 Sanford Center for Independent Living
 268 Sanford/TLC, Inc.

Legislative Research Commission Studies—see Studies (LRC)

Legislators/Legislature—see General Assembly

Lenoir County—District 5—Senator Harold W. Hardison

Industrial/Agricultural Development Commission
 H 1515 (reref Loc Gov Com)..... 27, 36, 53, 109.

Local Appropriations
 S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
 Sec. 25 Black Artist Guild, Inc. (Kinston)
 61 Harmony Hall Funds
 79 Kinston Historic Property
 131 Lenoir Historical Association
 160 Kinston Library Funds
 451 Eastern Regional Jet Port

Liability Insurance—see Insurance

License/Operator's—see Motor Vehicles

License Plates—see Motor Vehicles (License Plate)

Licensing

Geologists Licensing Act

S 555 (Ch. 1074)..... 145, 156.

Hospice Licensure Act

H 370 (Ch. 1022)106, 111, 117.

Medical License Fees Raised

H 1777 (Ch. 1063) 106, 118, 131, 140, 145.

Private College

H 1535 (Ch. 1006) 87, 96, 110, 117.

New Occupational and Professional Licensing Boards (Legislative Committee)

H 110 (Ch. 1089)133, 147, 154, 157, 158, 161.

Occupational Therapy Licensing

S 436 (Ch. 1073)..... 145, 156.

Liens

Crop Lien Filing Amendments

S 723 (reref Appr Com/see H 1376-Ch. 1116)13, 18, 29.

Crop Liens Filing System

S 729 (Appr Com/see H 1376-Ch. 1116) 15.

Tax Lien Advertisement Once

H 1676 (Ch. 1013)75, 82, 93, 97, 111, 117.

Lieutenant Governor—see State Officers (Senate President)

Life Care Centers—see Medicine (Hospitals)

Lincoln County—District 25—Senator Ollie Harris

Senator Helen R. Marvin

Senator Marshall A. Rauch

Cultural Center Lease

S 738 (Ch. 944)..... 18, 71.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 19 Arts Council Funds

62 Historical Council Funds

Property Tax Discount

H 1560 (Ch. 958) 60, 79.

Weapon Permits

H 1602 (Ch. 962) 62, 79.

Liquor Regulation—see Alcoholic Beverage Control

Livestock—see Agriculture

Local Government—see also Individual County

Cities, Towns, and Municipalities

Highway Improvements Include City Streets

S 817 (Ch. 1020)..... 57, 72, 76, 116.

Subdivision Water System Dedication

H 1283 (Ch. 1080) 107, 125, 127, 152, 154, 161, 163.

County

Cemetery Districts Allowed

S 877 (Ch. 1078)..... 100, 109, 123, 156.

Intangibles Tax Repeal/Reimburse

S 753 (Fin Com)..... 20.

Intangibles Tax Thresholds

S 750 (failed to concur).....20, 37, 69, 72, 76, 176.

Local Government (continued)

Public Hospital Sales/Leases

S 786 (reref St Gov Com)..... 31, 35.

H 1709 (Ch. 1066)107, 113, 126, 131, 141, 145.

Retirement

Local Government Benefits Increase

H 1544 (Ch. 1044) 88, 107, 125, 142.

Law Officers Subsidy Phased Out

S 878 (Appr Com) 100.

Public Employee Supplemental Income Plan

S 758 (H ppi)..... 21, 38, 69.

H 1500 (Ch. 975) 87, 95.

Purchase of Service Credits

S 815 (Ch. 1045)..... 57, 106, 124, 142.

Local Occupancy Tax—see Individual County**Lottery**—see Criminal Law (Gambling)

—M—

Macon County—District 29—Senator Charles Hips

Senator R. P. Thomas

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 66 Tribal Gathering

173 Supplemental School Program

308 Dispute Center

Madison County—District 28—Senator Robert S. Swain

Senator Dennis Winner

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 290 Refuse Truck

296 Water Line Funds

366 Sheriff Funds

449 Housing Authority

Magistrates—see Judicial Department**Marine Fisheries**—see Natural and Economic Resources**Marion, Jr., George W.**—Senator

Alleghany, Ashe, Rockingham,

Stokes, Surry, and Watauga—24th District

Adjournment Motion..... 53.

Committee Assignments:

Conference—

SJR 892..... 175, 182.

Remarks Spread (Allsbrook)..... 45.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 767, 768, 805, 843, 883.

Co-Sponsor 717, 730, 750, 766, 770, 772, 825, 878.

Married Persons

Divorce

Alimony Enforcement During Appeal

H 790 (reref Spec W & M)..... 17.

Child Support/Payroll Deduction

H 1701 (Ch. 1036) 107, 118, 130, 137.

Marriage License Name Change

H 933 (conf rpt adopted) 177.

Mecklenburg County (continued)

Charlotte (continued)

Uptown Development Repeal

S 901 (Ch. 1111)..... 173, 178.

Zoning Petitions

H 1555 (Ch. 955) 60, 79.

Child Custody Mediation Pilot Program

H 1551 (Ch. 1109) 131, 132, 133, 178.

Huntersville Zoning Jurisdiction

H 1609 (Ch. 966) 61, 80.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 11 James Polk Historic Site

44 Hugh Torance House/Store

45 Afro American Cultural Center

67 Spirit Square Arts Center

165 Matthews School Building Restoration

184 WFAE Public Radio

238 Matthews HELP Center

240 Charlotte Family Support Center

243 Mecklenburg Youth Council

270 Gethsemane Enrichment Program

293 Council for Children

297 WTVI Capital Improvements

492 Matthews Community Club

530 Farmers' Market Funds

531 Farmers' Market Funds

532 Farmers' Market Funds

533 Farmers' Market Funds

534 Farmers' Market Funds

535 Farmers' Market Funds

Medicine

Chiropractor Discipline Grounds

S 831 (Ch. 1067)..... 73, 144.

Corneal Tissue Removal

S 470 (Ch. 992)..... 75, 89, 102, 103.

Drugs

Chemical Dependency Treatment

S 724 (Ch. 1110).....13, 165, 178.

Hospitals

Area Health Education Center Program

H 1587 (Ch. 1056) 105, 128, 141, 144.

Conflict-of-Interest Rules

H 1630 (Ch. 1058) 105, 129, 141, 144.

Hospice Licensure Act

H 370 (Ch. 1022)106, 111, 117.

Life Care Centers Certificates — 1

S 821 (Rules Com)..... 58.

Life Care Centers Certificates — 2

S 847 (Ch. 1046)..... 84, 107, 124, 142.

Omnibus Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Public Hospital Sales/Leases

H 1709 (S 786 reref St Gov Com) (Ch. 1066).....107, 113, 126,
131, 141, 145.

Medicine (continued)

Medical Equipment Sales Tax Revision	
H 9 (Ch. 1071)	118, 130, 156.
Medical License Fees Raised	
H 1777 (Ch. 1063)	106, 118, 131, 140, 145.
Nursing Homes	
Construction Moratorium Lifted	
S 744 (H 1585 H ppi) (Ch. 1001).....	19, 48, 69, 103.
Occupational Therapy Licensing	
S 436 (Ch. 1073).....	145, 156.

Mental Health

Adolescent Treatment Funds/Dix	
S 751 (Appr Com/see S 187-Ch. 1114).....	20.
Adult Developmental Activity Program (Cleveland)	
S 720 (Appr Com)	13.
Autism	
Autistic Adolescents/Triad Home	
S 849 (H 1773 H ppi) (Appr Com).....	84.
Autistic Adult Group Home Funds	
S 819 (Appr Com/see H 1376-Ch. 1116)	57.
Autistic Group Home Purchase Funds	
S 796 (Appr Com/see S 187-Ch. 1114).....	50.
Autistic Adults Vocational Fund	
S 818 (Appr Com/see H 80-Ch. 1034)	57.
Budget Special Provisions	
H 80 (Ch. 1034)	115, 137.
Chemical Dependency Treatment	
S 724 (Ch. 1110).....	13, 165, 178.
Intermediate Care Facility Freeze Extended	
S 740 (H 1612 H ppi) (Ch. 998).....	19, 48, 68, 103.
Tri-County Mental Health Complex Funds	
S 769 (Appr Com)	25.

Military

License Plates for Reservists	
H 1772 (Ch. 1062)	108, 125, 139, 145.
National Guard Armories Funds	
S 801 (Appr Com/see S 187-Ch. 1114).....	50.
Oak Ridge Academy Honored	
S 892 (conf rpt adopted).....	137, 142, 152, 157, 175, 179, 181, 182.
Oak Ridge Academy Recognized	
S 902 (adopted).....	183, 192.

Milk—see Agriculture

Mineral Rights

Extinguishing	
H 1794 (Ch. 1096)	146, 164, 167.

Mitchell County—District 27—Senator James H. Edwards

Senator Donald R. Kincaid

Money Judgments—see Civil Procedure**Montgomery County**—District 17—Senator Robert B. Jordan III

Senator Aaron W. Plyler

Montgomery County (continued)

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 83 Library Funds

400 Fire Commission Funds

411 Uwharrie Fire Department

Moore County—District 16—Senator Wanda H. Hunt

Senator Russell Walker

ABC Board Membership

H 1558 (Ch. 957) 60, 79.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 117 Malcolm Blue Farms

118 Weymouth Center

119 Library Funds

120 Aberdeen Station

220 Pinetree Enterprises

221 Children's Center

370 Fire/Rescue Funds

431 Southern Pines Field Lighting

Mortgages

Foreclosure Hearings Continuances

S 634 (Ch. 1108) 174, 178.

Motor Vehicles

DWI School/County of Attendance

H 1332 (Conf Com Appointed) 97, 110, 153.

Identification Cards/11-Years Old

H 1772 (Ch. 1062) 108, 125, 139, 145.

Identification Cards/12-Years Old—2

S 832 (Appr Com/see H 1772-Ch. 1062/H 1376-Ch. 1116) 59.

Insurance

Speeding Offense Points

H 1799 (Rules Com) 174.

License Plate

Civil Air Patrol Fee

S 629 (H 1203 H ppi) (H Transp Com) 80, 89.

Military Reserve

H 1772 (Ch. 1062) 108, 125, 139, 145.

Registration

Vehicle Re-Registration After Revocation

S 880 (Ch. 1069) 100, 107, 124, 144.

Safe Roads Act

Amendments

H 1660 (Ch. 1101) 120, 121, 128, 141, 175.

Sales Tax

Used Vehicles—1

S 726 (Fin Com) 14.

H 1482 (Ch. 1065) 31, 80, 90, 101, 144.

Used Vehicles—2

S 798 (Fin Com) 50.

Motorboats—see Natural and Economic Resources

Municipalities—see Local Government (Cities and Towns)

Museum—see Appropriations (Museum)

— N —

Nash County—District 10—Senator Dallas L. Alford, Jr.

District 11—Senator James D. Speed

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 163.1 Nash Historical Association

163.3 Public Library/Spring Hope, Middlesex, Nashville

253 Tri-County Rehabilitation/Rocky Mount

462 Rocky Mount Opportunities Industrialization Center

National Guard—see Military**Natural and Economic Resources**—see also Individual County

Boats

Alcohol Use in Recreational Boating Study

H 1657 (Ch. 1059) 88, 121, 141, 144.

Local Water Safety Committee

H 1658 (Ch. 1082) 88, 157, 161.

Boat Ramp Funds

Cedar Island

S 851 (Appr Com/see S 187-Ch. 1114) 84.

Fisheries

Fish Confiscation Amendments

H 1778 (Ch. 1083) 146, 158, 161.

Forestry

Headquarters Funds

S 708 (Appr Com/see S 187-Ch. 1114) 7.

Natural Heritage Program Funds

S 827 (H 1565 H ppi) (Appr Com/see H 1376-Ch. 1116) 73

Phosphorus Detergents Limited

H 1603 (unf rpt) 82, 180.

Pollution Control

Amendments

H 1633 (Ch. 1014) 88, 97, 111, 117.

Hazardous Waste Treatment Commission

S 734 (H 1607 H ppi) (Ch. 973) 17, 36, 53, 63, 94.

Rivers

Ararat River Flood Control Funds

S 805 (Appr Com) 56.

Shellfish Waters Use Funds

S 882 (Appr Com/see H 1376-Ch. 1116) 104.

Wildlife

Hunting/Fishing Without License

H 385 (Ch. 972) 15, 17, 36, 53, 95.

Wildlife Hatchery Funds

S 874 (Appr Com/see S 187-Ch. 1114) 99.

Natural Gas—see Energy (Utilities)**Navigation**

Cape Fear Pilotage Commission Changes

H 1451 (Ch. 1081) 156, 157, 161.

New Hanover County—District 7—Senator J. A. Wright

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

- Sec. 59 St. Thomas Church Restoration
- 377 Castle Hayne Fire Department
- 378 Wrightsboro Fire Department

Room Tax Distribution

H 1619 (Ch. 987)82, 92, 95.

Neonatal Care—see Public Health

Northampton County—District 2—Senator J. J. Harrington

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

- Sec. 95 Museum Funds
- 183 Community College Area Coordinator
- 300 WVSP Moving Expenses Fund

Nuclear—see Energy

Nursing Home—see Medicine

— O —

Occupancy Tax—see Individual County

Onslow County—District 4—Senator A. D. Guy

Jacksonville Annexation

S 739 (Ch. 997)..... 19, 28, 32, 103.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

- Sec. 23 Museum Funds
- 24 Art Council Funds
- 71 Beirut Marine Council
- 93 Swansboro Bicentennial Park
- 215 Aging Council Funds
- 266 ADAP Equipment Funds
- 269 Carobell Center, Jacksonville
- 275 M. H. Detox Funds

Orange County—District 13—Senator Kenneth C. Royall, Jr.

Senator William G. Hancock, Jr.

District 16—Senator Wanda Hunt

Senator Russell Walker

Chapel Hill Economic Development

H 1563 (Ch. 961) 62, 79.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

- Sec. 115 Chapel Hill Preservation
- 116 Alexander Dickson House
- 222 Orange Industries, Inc.
- 247 Orange/Durham YWCA Coaliton
- 262 Women's Center Funds
- 521 Eno River State Park

One-Stop Voting Location

H 1532 (Ch. 978) 59, 72, 91, 95.

— P —

Pages, Senate—see General Assembly

Pamlico County—District 3—Senator Joseph E. Thomas
 Local Appropriations
 Rescue Squad Funds (Sec. 414)
 S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Parent—see Aged; Child Welfare; Judicial; Taxation.

Parental Rights—see Judicial Department

Parks—see Appropriations (Parks)

Parnell, David R.—Senator
 Hoke and Robeson—30th District
 Bills and Resolutions—(Senate Bill Numbers)
 Primary Sponsor 732, 735, 811, 822, 862.
 Co-Sponsor 702, 715, 750, 755, 764, 765, 783, 825, 878.

Parole—see Prisons

Pasquotank County—District 1—Senator Melvin R. Daniels, Jr.
 Elizabeth City Election Schedule
 S 704 (Ch. 930) 7, 12.

Pay Equity—see Studies

Pay Raise, Teacher/State Employee—see Appropriations (Budget)

Payroll Deduction—see State Personnel

Penalty—see Criminal Law

Pender County—District 5—Senator Harold W. Hardison
 District 7—Senator J. A. Wright
 Local Appropriations
 S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
 Sec. 374 Pender Rescue Squad
 375 Maple Hill Fire Department
 392 Fire Departments Funds
 469 Watha Community Center
 478 Burgaw Depot Renovation

Pensions—see Retirement

Perpetuities—see Estates

Perquimans County—District 1—Senator Melvin R. Daniels, Jr.
 Local Appropriations
 Newbold-White House (Sec. 73)
 S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Person County—District 13—Senator William G. Hancock, Jr.
 Senator Kenneth C. Royall, Jr.
 Commissioner's Primary
 H 1582 (Ch. 932) 22, 24.
 Local Appropriations
 S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
 Sec. 1 Person Place Funds
 284 Learning Center Funds

Personnel—see State Personnel; Employment Security

Physicians—see Medicine

Pilot Law—see Navigation

Pitt County—District 9—Senator Vernon E. White
 Land Lease Allowed
 H 1501 (Ch. 942) 27, 36, 52, 55.

Pitt County (continued)

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

- Sec. 31 Winterville History and Arts
 - 32 Bethel Arts Council
 - 132 Farmville Public Library
 - 133 Ayden Public Library
 - 134 Sheppard Memorial Library
 - 151 Farmville Arts Council
 - 152 Grifton Historical Museum
 - 153 Ayden/Grifton Drama Playhouse
 - 189 ECU Summer Theater
 - 190 ECU Friends of Music
 - 251 Family Violence Center
 - 252 Senior Citizens Center
 - 277 Mental Health Funds
 - 312 Gardner Fire Department
 - 346 Pactolus Fire Department
 - 347 Grimesland Fire Department
 - 348 Winterville Fire Department
 - 349 Eastern Pines Fire Department
 - 350 Winterville Rescue Squad
 - 352 Simpson Volunteer Fire Department
 - 353 Stokes Volunteer Fire Department
 - 372 Belvoir Fire Department
 - 389 Pitt Rescue Squad
 - 390 Bell Arthur Fire Department
 - 405 Greenville Rescue Squad
 - 406 Simpson Development Funds
 - 423 Winterville Recreation
 - 464 Farmville Recreational Facilities
 - 465 Pitt-Greenville Chamber of Commerce
 - 467 Falkland Town Development
 - 468 Fountain Town Development
 - 529 Farmer's Market

Plyler, Aaron W.—Senator Anson, Montgomery, Richmond, Scotland, Stanly, and Union—17th District

Committee Assignments:

Conference—

HB 1413 153, 172.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 784, 816, 826.

Co-Sponsor 755, 764, 765, 766, 783, 797, 825, 827, 878.

Police—see Law Enforcement

Polk County—District 29—Senator Charles Hipps

Senator R. P. Thomas

Board of Commissioners Membership Expanded

H 1528 (Ch. 976) 81, 90, 95.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

- Sec. 84 Courthouse Funds
 - 181 County School Enrichment
 - 182 Tryon City School

Polk County (continued)

Local Appropriations (continued)

- Sec. 295 Bates House Crisis Center
- 328 Dispute Center
- 329 Dispute Center

Pollution Control—see Natural and Economic Resources**Poultry**—see Agriculture**Primary**—see Elections**Prison**

Chaplaincy Funds (Randolph)

- S 841 (Appr Com/see S 187-Ch. 1114)..... 84.

Parole/Probation

Community Service Restitution Program

- S 430 (Ch. 1098)..... 135, 141, 152, 159, 164, 166, 168.

Women's Prison Cultural Funds (WINGS)

- S 812 (Appr Com/see H 1376-Ch. 1116) 57.

Private Police—see Law Enforcement**Privilege License**—see Taxation**Probation**—see Prison**Property**—see also Married Persons; Real Estate

Federal Property Plan Affirmed

- H 1775 (Res. 98) 132, 134, 145.

Property Tax—see Taxation**Public Education**—see Education**Public Education Policy Council**—see Education**Public Health**

Corneal Tissue Removal

- S 470 (Ch. 992)..... 75, 89, 102, 103.

District Health Boards Membership

- S 763 (Ch. 1077)..... 22, 118, 126, 156.

Facilities

Ambulatory Surgical Facility Defined

- S 783 (Ch. 1064)..... 30, 55, 76, 136, 142, 143.

Certificates-of-Need Appeals

- S 742 (H 1586 H ppi) (Ch. 1000)..... 19, 48, 69, 103.

Certificate-of-Need Changes

- S 774 (H 1673 H ppi) (Ch. 1002)..... 25, 48, 69, 103.

Health Education Facilities Sales (AHEC)

- H 1587 (Ch. 1056) 105, 128, 141, 144.

Home Health Care Freeze Established

- S 741 (H 1613 H ppi) (Ch. 999)..... 19, 48, 68, 103.

Major Medical Equipment Purchases

- S 775 (Rules Com)..... 25.

Mentally Retarded Centers Freeze

- S 740 (H 1612 H ppi) (Ch. 998)..... 19, 48, 68, 103.

Nursing Home Construction Moratorium Lifted

- S 744 (H 1585 H ppi) (Ch. 1001)..... 19, 48, 69, 103.

Public Hospital Sales/Leases

- S 786 (H 1709-Ch. 1066) (reref St Gov Com)..... 31, 35.

Hazardous Waste

Disposal Site Inactive Hazardous Substance

- H 1383 (reref Appr Com)..... 55, 77, 102, 110.

Hazardous Waste Treatment Commission

- S 734 (H 1607 H ppi) (Ch. 973)..... 17, 36, 53, 63, 94.

Public Health (continued)

Hazardous Waste (continued)

Hazardous Workplace Information Study — 2

H 1654 (reref Appr Com)..... 75, 138, 152.

Health Systems Agencies Funds

S 743 (H 1614 H ppi) (Appr Com)..... 19.

Hospice Licensure Act

H 370 (Ch. 1022)106, 111, 117.

Life Care Centers Certificates — 1

S 821 (Rules Com)..... 58.

Life Care Centers Certificates — 2

S 847 (Ch. 1046)..... 84, 107, 124, 142.

Neonatal Metabolic Screening Urged

H 1753 (Res. 81) 93, 96.

Sanitary District

Wilkes County Planning/Construction

S 856 (Appr Com/see S 187-Ch. 1114)..... 85.

Validation of Action

S 848 (Ch. 1021)..... 74, 116.

Waste

Garbage Truck Fuel Tax Refund

H 650 (Ch. 1025) 86, 106, 124, 127.

Water/Sewer

Condemnation/Power of Eminent Domain

H 1795 (Ch. 1084)146, 158, 161.

Subdivision Water System Dedication

H 1283 (Ch. 1080) 107, 125, 127, 152, 154, 161, 163.

Public Holiday—see Holiday

Public Housing—see Housing

Public Markets—see Agriculture

Public Schools—see Education

Public Utilities—see Utilities

Public Worker Deferred Compensation—see State Personnel

Publications

Shoppers' Guides Tax Exemptions

H 1484 (reref Appr Com)..... 26, 81.

—R—

Radar—see Law Enforcement

Raffle—see Criminal Law (Gambling)

Railroad—see Transportation; Utilities

Rand, Anthony E.—Senator

Cumberland (part)—12th District

Committee Assignments:

Conference—

HB 1413..... 153, 172.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 754, 783, 786, 820, 855, 895.

Co-Sponsor 702, 714, 730, 740, 741, 742, 743,
744, 745, 746, 747, 748, 755, 758,
764, 765, 797, 825, 827, 878.

Randolph County—District 16—Senator Wanda Hunt
 Senator Russell Walker

Franklinville Charter Revision
 S 759 (Ch. 1017)..... 21, 28, 32, 116.
 Liberty Charter Technical Change
 S 900 (Ch. 1102)..... 169, 175.
 Liberty Economic Development
 S 760 (Ch. 1015)..... 21, 28, 33, 116.
 Local Appropriations
 S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
 Sec. 345 Randolph Prison Chaplaincy
 432 Randolph Forestry Headquarters

Rape—see Criminal Law (Sexual Offense)

Rauch, Marshall A.—Senator
 Cleveland, Gaston, Lincoln,
 Rutherford—25th District
 Absent With Leave..... 24.
 Adjournment Motion..... 9, 115.
 Remarks Spread (Allsbrook)..... 44.
 Bills and Resolutions—(Senate Bill Numbers)
 Primary Sponsor 710, 731, 733, 749, 752, 753, 771, 857.
 Co-Sponsor 719, 720, 725, 730, 738, 750, 755,
 764, 765, 766, 770, 791, 825, 871, 878.

Redistricting—see General Assembly

Redman, Jr., William W.—Senator
 Alexander, Catawba, Iredell,
 Yadkin—26th District
 Remarks Spread (Allsbrook)..... 47.
 Votes/Excused
 SB 156 129.
 Bills and Resolutions—(Senate Bill Numbers)
 Primary Sponsor 896.
 Co-Sponsor 744, 750, 753, 755, 764, 765, 769, 824, 878.

Rescue Squad—see Motor Vehicles (Emergency)

Resolutions, Joint

Three (3) resolutions commemorating and honoring individuals are alphabetized by the name of the person.
 Resolutions relative to studies are alphabetized under **Studies**.

Adjournment, sine die
 S 897 (Res. 106)..... 162, 174, 175, 176, 183, 186, 187.
 Adult Literacy Month Declared
 S 886 (Res. 100)..... 119, 144.
 Board Membership—Women/Minorities Representation
 S 730 (Res. 99)..... 15, 48, 68, 136, 143.
 Congress Memorialized
 Social Security Disability Reform Urged
 S 825 (Res. 77)..... 73, 94.
 Tobacco Federal Tax Drop Urged
 S 787 (Res. 97)..... 34, 143.
 Education Legislative Session Urged
 S 755 (H 1568 H reref Rules) (Spec W & M Com)..... 21.
 Enabling Legislation (Pursuant to Res. 55, 1983 Session Laws)
 Airports Aid Bill — 1/see HB 1789
 H 1504 (Res. 85) 32, 96, 110, 113.

Resolutions, Joint (continued)

Enabling Legislation (continued)

Airports Aid Bill — 2/see HB 1788	
H 1510 (Res. 86)	32, 96, 110, 113.
Airport Building Bill/see HB 1768	
H 1499 (Res. 69)	31, 49, 70, 72.
Cable Television Theft Bill/see SB 845	
S 782 (Res. 65)	26, 54.
Campbell Memorial Bill/see HB 1801	
H 1792 (Res. 102)	163, 166, 167.
Cemetery Districts Bill/see SB 877	
S 777 (Res. 76)	26, 48, 69, 94.
Charlotte Local Bill/see SB 901	
S 898 (Res. 104)	162, 172.
Cherokee Council Bill/see HB 1797	
S 890 (filed status)	105, 120.
H 1737 (Res. 94)	88, 121, 127.
Chiropractor Discipline Bill/see SB 831	
SB 803 (Res. 63)	51, 54.
Crime Codification Bill/see HB 1779	
H 1723 (Res. 79)	93, 96.
Criminal Information Bill/see HB 1780	
H 1738 (Res. 95)	88, 121, 127.
Cumberland Land Sale Bill/see SB 895	
S 855 (Res. 87)	85, 116.
DMV Identification Cards Bill/see SB 832	
S 778 (Res. 66)	26, 54.
DOT Municipal Street Bill/see SB 817	
S 713 (H 1489) (Res. 59)	11, 15, 37.
DOT Water Line Bill/see HB 1793	
H 1573 (Res. 89)	51, 120, 127.
District Health Board Membership/see SB 763	
S 884 (Res. 88)	104, 117.
Education Board/Superintendent of Public Instruction	
S 828 (H Rules Com)	58.
Evidence Rules Bill/see HB 1739	
H 1655 (Res. 61)	52, 55.
Fish Confiscation/Federal Property Agency/ Math and Science School Bills/see HB 1775/1778	
H 1713 (Res. 73)	75, 80.
Good Friday Holiday Bill	
S 785 (Rules Com)	31.
Gubernatorial Single-Term Bill	
S 859 (Rules Com)	86, 97.
Indian Housing Bill/see SB 862	
S 811 (Res. 74)	56, 83.
Interstate Savings and Loan Bill/see SB 807	
H 1503 (Res. 57)	31, 35.
Impaired Driving Bill/see HB 1660	
H 1509 (Res. 56)	22, 24.
Legislative Leaders Term/Election Bill	
S 896 (Rules Com)	161.
Life Care Centers Bill/see SB 847	
S 829 (Res. 75)	58, 83.

Resolutions, Joint (continued)

Enabling Legislation (continued)

Liberty Local Bill/see SB 900	
S 899 (Res. 103)	162, 168.
Medical Examiners Fee Bill/see HB 1777	
H 1704 (Res. 78)	75, 89, 93, 95.
Metabolic Screening Bill/see HB 1753	
H 1495 (Res. 68)	31, 49, 70, 71.
Mineral Rights Notice Bill/see HB 1794	
H 1574 (Res. 90)	52, 121, 127.
Nurse Home Moratorium Bill/see SB 744	
H 1717 (Res. 84)	75, 89, 102, 104.
Oak Ridge Military Bill/see SJR 892	
S 893 (Res. 101)	128, 144.
Political Raffles Bill/see HB 1798	
H 1670 (Res. 83)	75, 89, 102, 104.
Raffles Bill/see HB 1754	
H 1531 (Res. 70)	32, 49, 70, 79.
Safe Driver Insurance Bill/see HB 1799	
H 1776 (Res. 96)	114, 118, 131, 137.
Sanitary District Bill/see SB 848	
S 705 (Res. 71)	7, 17, 23, 79.
School Raffle Bill	
H 1581 (Rules Com)	52.
Sewerage Condemnation Bill	
H 1694 (Res. 93)	75, 121, 127.
Straight Ticket Voting Bill/see HB 1796	
S 889 (filed status)	105, 119.
H 1683 (Res. 92)	61, 121, 127.
Time Share Exemption Bill/see HB 1790	
H 1752 (Res. 80)	93, 96.
Tobacco Tax Memorial Bill/see SJR 787	
S 809 (Res. 72)	51, 79.
Vehicle Casual Sale Bill/see SB 798	
S 721 (Rules Com)	13.
Vehicle Registration Bill/see SB 880	
S 830 (Res. 82)	73, 94.
Vehicle Weight Bill	
H 1663 (Res. 91)	61, 121, 127.
Wesley Webster Highway Bill/see SB 766	
S 772 (Res. 60)	25, 37.
Federal Property Plan Affirmed	
H 1775 (Res. 98)	132, 134, 145.
Multinationals State Tax Decried	
H 1486 (Res. 67)	31, 49, 69, 71.
Neonatal Metabolic Screening Urged	
H 1753 (Res. 81)	93, 96.
Oak Ridge Academy Honored	
S 892 (conf rpt adopted)	137, 142, 152, 157, 175, 179, 181, 182.
Oregon Inlet Channel Opening Urged	
S 572 (H 1211) (H ppi)	
Utilities Appointments Confirmation	
H 1524 (Res. 62)	51, 55, 64.

Resolutions, Senate (Simple)

Great Smokies Park Founding Honored S 717 (H 1477) (adopted)	12, 190.
Oak Ridge Academy Recognized S 902 (adopted)	183, 192.
Sports Festival in North Carolina Urged S 727 (H 1519) (adopted)	14, 191.

Restoration—see Appropriations (Restoration)**Retirement**

Federal Pay Exemption Increased S 156 (H ppi)	118, 122, 129.
Firemen's Fund Refund S 478 (Ch. 1086)	145, 157, 161.
Judicial Retirement Act	
Court Retirement Systems Merged	
H 1681 (Ch. 1031)	88, 107, 126, 135.
Judicial Retirement Credit Restoration	
H 687 (Ch. 1041)	114, 134, 137.
Judicial Retirement System	
H 1551 (Ch. 1109)	131, 132, 133, 178.
Law Enforcement Officer's Retirement Benefits	
Subsidy Phased-Out	
S 878 (Appr Com)	100.
Local Government	
Benefits Increased	
H 1544 (Ch. 1044)	88, 107, 125, 142.
Purchase of Service Credits	
S 815 (Ch. 1045)	57, 106, 124, 142.
Teachers and State Employees	
Benefits Restrictions	
H 1413 (Ch. 1106)	61, 134, 140, 153, 171, 173, 175.
Board of Trustee Appointment	
S 894 (Ch. 1092)	137, 161.
Death Benefits Payable	
H 1736 (Ch. 1049)	114, 134, 145.
Mandatory Retirement Eliminated	
S 14 (H 48) (Ch. 1019)	55, 81, 111, 114, 116.
NCAE/School Board Association Options	
H 1707 (Pen and Ret Com)	146.
Part-Time Employment Retirement Credit	
S 826 (Pen and Ret Com)	73.
H 1632 (Ch. 1030)	88, 106, 126, 135.
Supplemental Income/Public Employee	
S 758 (H ppi)	21, 38, 69.
H 1500 (Ch. 975)	87, 95.
Temporary Employment Creditable Service	
S 776 (reref Appr Com)	26, 106.

Revenue Bonds**Revenue Department—see Taxation****Richmond County—District 17—Senator Robert B. Jordan III**

Senator Aaron W. Plyler

Local Appropriations

Rockingham/Richmond Library (Sec. 36)

S 187 (H 377) (Ch. 1114)	177, 181, 184, 186.
--------------------------------	---------------------

Rivers—see Natural and Economic Resources and Wildlife

Roads and Highways—see Transportation (Roads and Highways)

Roanoke Voyages and Elizabeth II Commission

Name/Duties/Funds

H 1689 (Ch. 1115) (see also H 1376-Ch. 1116)..... 184, 187.

Robbery—see Criminal Law

Robeson County—District 30—Senator David Russell Parnell

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 13 "Strike at the Wind"

136 Gilbert Patterson Library

137 Rowland Depot Restoration

138 St. Pauls Library

162 Carolina Theater

229 Robeson Community Center

408 Lumberton Police Vehicle

506 Robeson Community Center

507 St. Paul Pool

508 Robeson County Recreation Department

511 Town of Rennert

Lumberton

City Council Vacancies

H 1588 (Ch. 1009) 87, 97, 109, 117.

Force Account Use Limit

H 1536 (Ch. 950) 59, 71.

Room Occupancy Tax

H 1615 (Ch. 1028) 87, 97, 108, 122, 135.

Uptown Development

S 735 (Ch. 996)..... 18, 27, 32, 103.

Orrum Charter Revision

S 732 (Ch. 993).....16, 23, 27, 93, 101, 103.

Rockingham County—District 24—Senator Conrad R. Duncan, Jr.

Senator George W. Marion, Jr.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 75 Madison Historic District

76 Rockingham Theater Funds

77 Eden Historic Restoration

140 Reidsville Historic Property

142 Penn House

164 W. Rockingham School/Shiloh Fire

441 Madison-Mayodan Recreation Commission

Western Rockingham School Changes

S 709 (Ch. 931)..... 7, 12.

Rowan County—District 23—Senator Jack Childers

Senator Robert M. Davis

Ambulance Liens

S 712 (Ch. 933)..... 10, 24.

Kannapolis School Pay Day

H 1604 (Ch. 963) 62, 79.

Rowan County (continued)

Local Appropriations

S 187 (H 377) (Ch. 1114)	177, 181, 184, 186.
Sec. 2 Salisbury Railroad Station	
47 Rowan Library	
89 Spencer Shops Historic Site	
227 Retarded Citizens Funds	
365 Rescue Funds	
446 Cannon Memorial YMCA Center	

Royall, Jr., Kenneth C.—SenatorDurham, Granville, Orange (part),
Person—13th District

Adjournment Motion	14, 34, 102.
Committee Assignments:	
Conference—	
SB 430	152, 165.
SJR 897	176, 184.
HB 1376	179, 185.
Journal Approval Motion	11.
Remarks Spread (Allsbrook)	45.
Bills and Resolutions—(Senate Bill Numbers)	
Primary Sponsor	758, 787, 795, 809, 846, 859.
Co-Sponsor	702, 703, 724, 727, 730, 745, 747, 748, 750, 762, 763, 766, 783, 796, 818, 819, 825, 827, 887.

Rules of Civil Procedure—see Civil Procedure**Rules, Senate**—see General Assembly (Senate—Rules)**Rulings by President**—see General Assembly (Senate—Rulings)**Rutherford County**—District 25—Senator Ollie HarrisSenator Helen R. Marvin
Senator Marshall A. Rauch

Littering Enforcement

H 1529 (Ch. 977)	59, 72, 91, 95.
------------------------	-----------------

Local Appropriations

S 187 (H 377) (Ch. 1114)	177, 181, 184, 186.
Sec. 85 Rutherfordton Norris Library	
86 Art Council Funds	
501 Betchler Mine Funds	
502 Town of Chimney Rock Funds	

— S —

Safe Roads Act—see Motor Vehicles**Salaries**—see also Appropriations (Budget); Labor

Merit Pay Reserve

S 837 (Appr Com/see H 80-Ch. 1034)	74.
------------------------------------------	-----

State Employees Increase

H 80 (Ch. 1034)	115, 137.
-----------------------	-----------

Sales Tax—see Taxation**Sampson County**—District 15—Senator Robert D. Warren

Local Appropriations

S 187 (H 377) (Ch. 1114)	177, 181, 184, 186.
Sec. 196 Alumni Renovation	
257 Dog Pound	
371 Roseboro Rescue Squad	
376 Turkey Fire Department	

Sampson County (continued)

Local Appropriations (continued)

- Sec. 428 Sampson Migrant Service
- 470 Harrells Neighborhood Center
- 471 Ingold Community Center
- 472 Taylors Bridge Community Center
- 473 Piney Grove Community Center
- 474 Mingo Community Center
- 475 Westbrook Community Center
- 476 Sampson Livestock Association Arena
- 477 Clinton/Sampson Recreation Department
- 478 Burgaw Depot Renovations
- 479 Garland Recreation Department

Sanitarians—see Public Health

Sanitary Districts—see Public Health

Savings and Loan—see Banks

School Bus—see Education; Motor Vehicles

Schools—see Education

Science and Mathematics School—see Resolutions, Joint

Scotland County—District 17—Senator Robert B. Jordan III
Senator Aaron W. Plyler

Local Appropriations

- S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
- Sec. 280 Scotland House, Inc.
- 281 Scotland Literacy Funds
- 509 Recreation Department Funds

Temperance Hall/John Charles McNeill House

- S 784 (Appr Com/see S 187-Ch. 1114)..... 30.

Senate—see General Assembly

Senate Resolutions—see Resolutions, Senate (Simple)

Senatorial Districts 3.

Sewer—see Public Health (Waste)

Sexual Offense—see Criminal Law

Shellfish—see Natural and Economic Resources (Wildlife)

Sheriff—see Law Enforcement

Sine Die Adjournment—see General Assembly

Sinking Fund—see Appropriations

Social Security—see Resolutions (Joint)

Solar Energy—see Energy

Soles, Jr., R. C.—Senator

Bladen, Brunswick, **Columbus**,
Cumberland (part)—**18th District**.

- Absent With Leave5, 10, 11, 14, 16, 18, 24, 30, 34,
37, 54, 71, 83.

Adjournment Motion..... 167.

Committee Assignments:

Conference—

- HB 1332..... 153.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor None.

Co-Sponsor 878.

Speed, James D.—Senator

Franklin, Nash (part), Vance,
Wake (part)—**11th District**

Remarks Spread (Allsbrook)..... 43.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 761, 776.

Co-Sponsor 702, 715, 750, 755, 764, 765,
783, 824, 825, 878.

Sports Festival—see Resolutions, Senate

Spouse—see Married Persons

Stanly County—District 17—Senator Robert B. Jordan III
Senator Aaron W. Plyler

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 14 Museum of Albemarle

143 Badin Library

263 Oakboro Community Building

380 Crime Prevention Funds

381 Richfield-Misenheimer Fire Department

382 New London Fire Department

402 Norwood Fire Department

409 Aquadale Fire Department

447 Aycock Brown Welcome Center

491 Agriculture Learning Center

State Board of Education—see Education

State Officers

Budget Special Provisions

H 80 (Ch. 1034) 115, 137.

Governor

Gubernatorial Single Term Bill

S 859 (Rules Com)..... 86, 97.

Lieutenant Governor James C. Green—President of the Senate

Addresses the Senate..... 47, 169.

Administers Oath—Senator Phillip W. Taylor 6.

Appointments—see **Appointments** (Lieutenant Governor)

General Assembly (Senate—Committees)

Presides Daily Session (Senate) 5, 10, 11, 14, 16, 17, 23, 29, 34,
36, 54, 70, 82, 94, 102, 113, 116, 126, 132, 133, 136,
143, 155, 159, 160, 165, 167, 172, 173, 179, 180, 186.

Presides Joint Meeting/Session..... 9, 64.

State Parks—see Appropriations

State Personnel—see also Appropriations

Child Support/Payroll Deduction

H 1701 (Ch. 1036) 107, 118, 130, 137.

Death Benefits Payable

H 1736 (Ch. 1049) 114, 134, 145.

Deferred Compensation, NC Public Employees

Board of Trustees Appointment

S 894 (Ch. 1092)..... 137, 161.

Incentive Pay Program, Establish/Administer

H 1517 (Ch. 995) 32, 49, 70, 103.

Merit Pay Reserve

S 837 (Appr Com/see H 80-Ch. 1034) 74.

State Personnel (continued)

Retirement

Benefits Restrictions

H 1413 (Ch. 1106) 61, 134, 140, 153, 171, 173, 175.

Eliminate Mandatory Retirement—Age 70

S 14 (H 48) (Ch. 1019) 55, 81, 111, 114, 116.

Part-time Retirement Credit Purchase

S 826 (Pens and Ret Com)..... 73.

H 1632 (Ch. 1030) 88, 106, 126, 135.

State Prison—see Prison

Staton, William W.—Senator

Harnett, Lee, Wake (part)—14th District

Absent With Leave. 34, 37, 54, 71.

Committee Assignments:

Conference—

HB 1754. 173, 174.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 726, 780, 782, 785, 845.

Co-Sponsor 727, 730, 751, 755, 758, 764,

765, 796, 808, 837, 878.

Stokes County—District 24—Senator Conrad R. Duncan, Jr.

Senator George W. Marion, Jr.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 147 Rock House Funds

148 Stoke Great Ways Road

Studies

Child Support

H 80 (Ch. 1034) 115, 137.

Legislative Research Commission

Various Studies Authorized

H 738 (Ch. 1112) 55, 70, 89, 101, 168, 169, 182.

Administrative Procedure Act/Additional Funds

Cafeteria-Style Benefits Program for Teachers/State Employees

Coastal Submerged Lands

Credit Insurance and Interest Rate Study

Criminal Justice Information System Computerized Records

Disability Review Commission Continuation

Hazardous Wastes Strict Liability

Legislative Office Building

Medical Cost Containment, Additional Funds

Public Education Policy Council, Additional Funds

State Parks Study Commission

Special Study Committee

Hazardous Workplace Information Study — 2

H 1654 (reref Appr Com)..... 75, 138, 152.

Nantahala Gorge (Natural and Economic Resources)

S 853 (Appr Com) 97.

Teacher Summer Employment Study/Funds

S 885 (Appr Com) 119.

Wildlife Resources/Alcohol Use in Recreational Boating

H 1657 (Ch. 1059) 88, 121, 141, 144.

Sunset Provisions—see Boards and Commissions

Surry County—District 24—Senator Conrad R. Duncan, Jr.
Senator George W. Marion, Jr.

Local Appropriations

- S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
- Sec. 17 Mt. Airy Restoration
 - 145 Rockford Restoration
 - 146 Edward Franklin House
 - 497 Pilot Mountain Foundation

Swain County—District 29—Senator Charles Hipps
Senator R. P. Thomas

Local Appropriations

- S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.
- Sec. 177 School Enrichment Funds
 - 325 Dispute Center Funds
 - 326 Dispute Center Funds
 - 327 Dispute Center Funds
 - 416 Smokies Heritage Festival

Swain, Robert S.—Senator **Buncombe, Madison, McDowell,**
Yancey—28th District

Adjournment Motion 160.

Committee Assignments:

Conference—

- SB 430 152, 165.
- HB 110 133, 147.
- HB 933 177.
- HB 1283 (Chairman) 153, 154.
- HB 1332 153.

Escorts Governor 8.

Remarks Spread (Allsbrook) 41.

Bills and Resolutions—(Senate Bill Numbers)

- Primary Sponsor 778, 812, 832, 858, 889, 890.
- Co-Sponsor 702, 726, 734, 764, 783, 810, 825, 854, 878.

—T—

Tally, Lura S.—Senator **Cumberland (part)**—12th District

Bills and Resolutions—(Senate Bill Numbers)

- Primary Sponsor 714, 824.
- Co-Sponsor 702, 730, 745, 746, 747, 748, 754,
755, 764, 765, 766, 783, 790, 797,
818, 819, 825, 827, 849, 878.

Taxation

Budget Special Provisions/1984-85

- H 80 (Ch. 1034) 115, 137.

Collection Agencies Authorization

- H 1488 (Ch. 1005) 26, 96, 110, 117.

Gasoline/Special Fuel

Garbage Truck Refund

- H 650 (Ch. 1025) 86, 106, 124, 127.

Gasohol Refund Amendments

- H 1483 (Ch. 1003) 22, 96, 110, 117.

Taxation (continued)

Gift Tax Exclusion Shared by Spouse	
H 104 (Ch. 1024)	86, 106, 124, 127.
Homestead Exemption	
Limits Increased	
S 746 (H 1647 H ppi) (reref Appr Com)	19, 80.
Income	
Conservation Tillage Equipment Credit	
H 541 (Ch. 969)	37, 69, 76, 83.
Cystic Fibrosis Exemption	
S 731 (Ch. 1075)	16, 38, 68, 156.
Federal Retirement Pay Exemption Increase	
S 156 (H ppi)	118, 122, 129.
Gleaned Crops Credit	
H 1099 (Ch. 1018)	38, 63, 76, 117.
Multinationals State Tax Decried	
H 1486 (Res. 67)	31, 49, 69, 71.
Parent-support Deduction	
S 21 (H 45) (Ch. 1072)	118, 126, 129, 154, 156.
Solar Tax Credit, Corporate	
H 665 (Ch. 1104)	53, 80, 165, 175.
Solar Tax Credit, Individual	
H 666 (Ch. 1105)	53, 80, 165, 175.
Utilities Tax Federal Refund	
H 1513 (Ch. 1097)	59, 106, 123, 140, 151, 168.
Income/Inheritance	
Double Taxation Elimination	
H 89 (reref Appr Com)	81.
Inheritance	
Credit for Spouse	
H 158 (Ch. 1032)	86, 117, 130, 137.
Gift Tax Annual Exclusion (\$10,000)	
H 88 (Ch. 1023)	86, 106, 124, 126.
Joint Tenants Exemption	
H 1697 (Ch. 1035)	108, 118, 130, 137.
Intangible	
Repeal/Reimbursement	
S 753 (Fin Com)	20.
Thresholds	
S 750 (failed to concur)	20, 37, 69, 72, 76, 176.
Lien Advertisement Limitation	
H 1676 (Ch. 1013)	75, 82, 93, 97, 111, 117.
Property	
Nuclear Materials Exemption	
H 1682 (Ch. 1060)	93, 118, 130, 139, 145.
Repeal of Various Laws	
H 1485 (Ch. 1004)	31, 96, 110, 117.
Sales and Use	
Currency/Bullion Exemption	
S 737 (H 1534 H Fin Com) (H failed 2nd rdg)	18, 37, 68.
Printers' Component Parts Exemption	
H 1484 (reref Appr Com)	26, 81.

Taxation (continued)

Sales and Use (continued)

Medical Equipment Revision

H 9 (Ch. 1071) 118, 130, 156.

Public Radio Refund

H 1652 (Fin Com) 146.

Used Vehicles — 1

S 726 (Fin Com) 14.

H 1482 (Ch. 1065) 31, 80, 90, 101, 144.

Used Vehicles — 2

S 798 (Fin Com) 50.

Taylor, Phillip W.—Senator

Edgecombe (part), Halifax (part),

Warren—6th District

Certificate of Appointment to Senate 5.

Committee Assignments: 6.

Standing—

Judiciary I (Vice Chairman)

Appropriations—Appropriations/General Government—Base Budget—

Human Resources—Public Utilities and Energy—Rules and Operations of
the Senate—Ways and Means

Oath of Office 6.

Remarks Spread (Allsbrook) 43.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 886.

Co-Sponsor 702, 715, 750, 755, 764,
765, 823, 824, 825, 878.**Teacher**—see Education**Teacher Retirement**—see Retirement**Technical Institutes**—see Higher Education**Telephone**—see Utilities

Cable Television Services/Theft/Misdemeanor

S 845 (H 1757 H reref J III Com) (Ch. 1088) 84, 96, 110, 119,
126, 128, 132, 161.**Tenant**—see also Housing

Inheritance Tax Exemption

H 1697 (Ch. 1035) 108, 118, 130, 137.

Therapy—see Medicine**Thomas, Joseph E.**—Senator

Carteret, Craven, Pamlico—3rd District

Absent With Leave 10, 30, 34.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 734, 851, 882.

Co-Sponsor 702, 713, 715, 730, 750, 755, 764,
765, 766, 817, 825, 827, 878.**Thomas, R. P.**—Senator

Cherokee, Clay, Graham, Haywood, Henderson,

Jackson, Macon, Polk, Swain, and Transylvania—29th District

Adjournment Motion 36, 136.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 716, 717, 718, 756, 777, 792, 800, 860,
861, 863, 865, 866, 867, 868, 869, 870,
872, 877, 879, 885, 888.Co-Sponsor 730, 750, 755, 764, 765, 779, 825,
827, 864, 873, 874, 875, 876, 878.**Timber**—see Natural and Economic Resources (Forestry)

Tison III, Benjamin T.—Senator	Cabarrus, Mecklenburg—22nd District
Adjournment Motion.....	155.
Bills and Resolutions—(Senate Bill Numbers)	
Primary Sponsor	None.
Co-Sponsor	702, 733, 750, 755, 764, 765, 824, 825, 829, 847, 878.

Tobacco—see Agriculture

Toxic Substances—see Public Health

Transportation

Airports—see individual county

Railroads

 AMTRAK Piedmont Crescent (Passenger Service)

 H 80 (Ch. 1034) 115, 137.

Roads and Highways

 Budget/Salaries

 H 80 (Ch. 1034) 115, 137.

 State Highway Improvements Include City Streets

 S 817 (Ch. 1020)..... 57, 72, 76, 116.

 Water Lines in Highways

 H 1793 (Ch. 1090) 146, 159, 161.

 Wesley Webster Highway Named

 S 766 (Ch. 974)..... 22, 94.

Transylvania County—District 29—Senator Charles Hipps

 Senator R. P. Thomas

 Local Appropriations

 S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

 Sec. 180 Transylvania County School Enrichment

 333 Transylvania Dispute Center

 334 Transylvania Dispute Center

 335 Transylvania Dispute Center

Trials—see Civil Procedure; Criminal Procedure

Trucks—see Motor Vehicles

Tyrrell County—District 1—Senator Melvin R. Daniels, Jr.

— U —

Unemployment—see Employment Security

Unified Commercial Code

 Crop Lien Filing Amendments

 S 723 (reref Appr Com/see H 1376-Ch. 1116) 13, 18, 29.

Union County—District 17—Senator Robert B. Jordan III

 Senator Aaron W. Plyler

 Local Appropriations

 S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

 Sec. 9 Temperance/McNeil House

 36 Rockingham-Richmond Library

 37 Old Union Courthouse

 161 Andrew Jackson Memorial

 354 Union County Fire Departments

 484 City of Monroe

 485 Town of Indian Trail

 486 Town of Marshville

 487 Town of Stallings

Union County (continued)

Local Appropriations (continued)

Sec. 488 Town of Waxhaw

489 Town of Weddington

490 Town of Wingate

United States—see Constitution**University**—see Higher Education**Utilities**

Commission

Appointments Confirmation

H 1524 (Res. 62)51, 55, 64.

Electrification

Utilities Tax Federal Refund

H 1513 (Ch. 1097)59, 106, 123, 140, 151, 168.

Railroad

AMTRAK (Passenger Service)

H 80 (Ch. 1034)115, 137.

Telephone

Access/Rates

H 1365 (Ch. 1043)114, 125, 142.

— V —

Vance County—District 11—Senator James D. Speed

Local Appropriations

S 187 (H 377) (Ch. 1114)177, 181, 184, 186.

Sec. 91 Perry Memorial Library

Veterans—see Military**Voting**—see Election Laws**Voting by Senator, Excused**—see Individual Legislator**Voting Equipment Inoperative** (Senate)

June 21, 1984 (part).....68.

June 22, 198471.

June 25, 1984 (part).....83.

June 28, 1984 (part).....122.

July 2, 1984 (part).....143.

July 2, 1984 (remainder of Session).....152.

July 3, 1984.....156.

July 5, 1984.....160.

July 6, 1984.....168.

July 7, 1984.....179.

— W —

Wages—see Appropriations (Budget)**Wake County**—District 11—Senator James D. Speed

District 14—Senator Joseph E. Johnson

Senator William W. Staton

Senator Wilma C. Woodard

ABC Board Composition

H 578 (Ch. 1040)113, 137.

Wake County (continued)

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 80 Holt House

110 Artspace, Inc.

111 Cary Historical Clock

112 Morrisville Town Hall

113 Carolina Theater

114 Spring Hill House

156 Operation Raleigh

203 Shelley School Child Development

210 Dix Adolescent Treatment Funds

211 Autistic Adult Group Home

241 Tammy Lynn

245 Wake Respite Care

282 Wake Life Experiences

283 Wake Health Education Center

291 Rolesville Senior Citizens Center

294 Police Comm. Relation Training

311 Garner Rescue Squad

339 Correction Department Vocational Program

343 Gethsemane-Rainbow

425 Wendell Park Improvements

426 Wake Forest Town Development

459 Wake Water Study

School Board Offices Elections

H 1543 (Ch. 952) 62, 79.

Walker, Russell—Senator

Chatham, Moore, Orange (part),

Randolph—16th District.

Committee Assignments:

Conference—

SB 14 56, 112.

Bills and Resolutions (Senate Bill Numbers)

Primary Sponsor 759, 760, 818, 819, 825, 840, 841, 899, 900.

Co-Sponsor 702, 730, 733, 745, 746, 747, 748,

750, 755, 758, 764, 765, 766, 770,

783, 796, 823, 827, 849, 862.

Ward, Marvin—Senator

Forsyth (part)—20th District

Committee Assignments:

Conference—

SB 14 56, 112.

SB 430 152, 165.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 724.

Co-Sponsor 702, 714, 730, 745, 746, 747, 748, 750, 764,

765, 766, 790, 797, 823, 825, 827, 878.

Warren County—District 6—Senator Julian R. Allsbrook

Senator Phillip W. Taylor

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 236 Warren County Hospital

Wilson County—District 10—Senator Dallas L. Alford, Jr.

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 209 Eastern School for Deaf

253 Tri-County Rehabilitation—Rocky Mount

452 Wilson Redevelopment Corporation

453 Wilson Opportunities Industrialization

Winner, Dennis—Senator **Buncombe, McDowell, Madison, Yancey**—28th District

Absent With Leave 30, 179.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 728, 810, 854.

Co-Sponsor 702, 727, 755, 764, 765, 783, 825, 857, 858, 878.

Womens Prison—see Prison**Woodard, Wilma C.**—Senator **Harnett, Lee, Wake**, (part)—14th District

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor 751, 796, 837, 838.

Co-Sponsor 702, 714, 727, 730, 755, 758, 765,

766, 783, 797, 808, 818, 819, 823, 825, 827, 849.

Workers' Compensation

Filing Extended

H 721 (tabled) 132, 134, 140.

Ten-Worker Farms

H 1261 (Ch. 1042) 114, 124, 142.

Wright, J. A.—Senator**New Hanover, Pender** (part)—7th District

Absent With Leave 18, 24, 37.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor None.

Co-Sponsor 733, 753, 824, 878.

— Y — Z —

Yadkin County—District 26—Senator T. Cass Ballenger

Senator William W. Redman

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 81 Richmond Hill Law School

Yancey County—District 28—Senator Robert S. Swain

Senator Dennis Winner

Local Appropriations

S 187 (H 377) (Ch. 1114) 177, 181, 184, 186.

Sec. 52 Appalachian Theatre

53 Parkway Playhouse

239 Yancey Council

443 Yancey Mine Reclamation

Youth—see Child Welfare; Judicial

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